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NORTHERN DISTRICT OF OHIO WESTERN DIVISION CAROL ANN SMITH, Plaintiff: -vs- : No. 3:11-CV-00560 PERKINS BOARD OF EDUCATION,: et al., Defendants Deposition of CHRISTOPHER GASTEIER, a witness herein, taken by the Plaintiff as upon cross-examination before Lorl L. Delhees, Stenotype Reporter and Notary Public in and for the State of Ohio, at the Law Offices of Murray & Murray Co., L.P.A., 111 East Shoreline Drive, Sandusky, Ohio on February 11, 2014 at 9:30 a.m. pursuant to Notice. NORTHERN DISTRICT OF OHIO WESTERN DIVISION 2 INDEX 3 Cross-examination by Mr. Belazis Direct-examination by Mr. Belazis Purther Recross Examination by Mr. Belazis Purther Recross Ex	130 132 elazis 134 7 40
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1 APPEARANCES: 1	_
Paul T. Belazis, Esquire 2 Cont'd Plaintiff's Exhibits	
MALONE ALITY & CADELL	,
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5 On behalf of Plaintiff 6 19, Roster 119 6 Teresa L. Grigsby, Esquire 7 20 Observation/Evaluation Form 6/6/	
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9 On behalf of Defendants	
10 On benalt of Detendants	
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1 (Pages 1 to 4)

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1			1	Q	Okay. And it's okay if I refer to Mrs. Smith as
2		CHRISTOPHER GASTEIER, of lawful age, the	2		Carol in the course of the deposition?
3		Plaintiff herein, called by the Defendant	3	Α	Yes.
4		as upon cross-examination, pursuant to the	4	Q	Tell me a little bit about your own background.
5		Rules of Civil Procedure, being first duly	5	Α	I'm 57 years old. I was born in Sandusky, I
6		sworn according to law, was examined and	6		attended Perkins Schools, graduated in 1975, was
7		testified as follows:	7		a grew up on a farm, went to school in
8		CROSS-EXAMINATION OF CHRISTOPHER GASTEIER	8		Washington D.C., where I got my Bachelor's Degree
9		BY MR. BELAZIS:	9		in History and Education, and started teaching at
10	Q	Pronounce your last name for me.	10		Perkins in 1982 as the Vo-Ag teacher.
11	Α	Gasteier.	11		I taught Vo-Ag for four years, then
12	Q	Okay. Mr. Gasteier, we met a moment ago and as	12		proceeded to teach Social Studies for the next
13		you know I represent Carol Smith in a lawsuit	13		ten years, along with Vo-Ag, and then I became
14		that's pending against the Perkins School	14		Assistant Principal in 1996 and Principal in
15		District.	15		2001, Director of Communications 2000 I have
16	Α	Yes.	16		to stop and think 2011, I believe, and this
17	Q	Have you read any of the materials related to the	17		year I became, in 2013, became Principal of
18		lawsuit, for example, the Complaint? Have you	18		Meadowlawn School, Elementary School. That's
19		read that?	19		basically my work history.
20	Α	No.	20	Q	Okay. And how are you familiar with Carol Smith?
21	Q	Have you reviewed anything in preparation for	21	Α	Two ways, one, as a teacher, fellow employee at
22		today's deposition?	22		Perkins High School, and, secondly, I've known
23	Α	Yes.	23		her family for probably over 40 years. Her
24	Q	What did you review?	24		youngest is it her youngest daughter?
25	À	Some of the documents that were given at Sawmill	25		youngest daughter, Ros, worked with us out at our
		Down 6			Dage 9
		Page 6			Page 8
1		Creek, I believe, four years ago, 3 1/2 years	1	_	family farm as a teenager.
2		ago.	2	Q	And you've known Mrs. Smith you've known Carol
3	Q	And what would that include?	3		throughout that time?
4	A	I think there were some things such as	4	A	Yes. Not closely, but, yes, I have. Obviously
5		evaluations, some e-mails, and some letters that	5		she would drive her out to the farm. And I
6	_	were written to Mrs. Smith.	6		remember her family's catering business too.
7	Q	Have you ever reviewed Carol's personnel file?	7	Q	And you've been a colleague of hers since at
8	A	No, I have not.	8		least 1982?
9	Q	And any other personnel files?	9	A	Yes, sir.
10	A	No, I have not.	10	Q	And when did you begin working at the high
11	Q	Okay. Have you reviewed the various disciplinary	11		school?
12		letters, those kinds of things?	12	A	1982.
13	A	Some of them, yes.	13	Q	So you were at the high school the entire time?
14	Q	Did you review the transcripts from the hearing?	14	A	Yes.
15	A	Mine.	15	Q	And Mrs. Smith was at the high school the entire
16	Q	Your testimony?	16		time?
17	A	Yes.	17	Α	I believe so. I'm not exactly sure of her
18	Q	Okay. And you were one of the witnesses at the	18	_	schedule, but I think she was there at the time.
19		hearing at Sawmill Creek?	19	Q	Tell me a little bit about the responsibilities
20	A	Yes.	20	_	of a Principal.
~ ~	Q	And by that, you're referring to the hearing	21	Α	Aside from curriculum, discipline, attendance,
21		before the Referee Harry Taich, seeking; in which	22		there's evaluation of staff, which includes
22					tarabara and nan arabitird nanannal
22 23		the Board was to seek to terminate Carol's	23		teachers and non-certified personnel.
22	A	the Board was to seek to terminate Carol's employment? Yes.	24 25	Q	Okay. With respect to staff evaluations, tell me about that,

2 (Pages 5 to 8)

		Page 9			Page 11
1	Α	Staff evaluation, up until recently with the	1	A	The newer teachers, younger teachers.
2 .		changes in the Ohio laws, used to involve us	2	Q	Well, I'm asking you about those who were
3		doing evaluation of staff on a rotating basis,	3		tenured.
4		rotating between the Assistant Principal and	4	Α	Oh, excuse me.
5		myself. We would split up the duties of those	5	Q	So with respect to those that were tenured, you
6		who needed to be evaluated. Some were on	6		said that they were supposed to be evaluated
7		permanent contracts and were evaluated less often	7		every three years, that was the policy?
8		than others; some were on one year and were	8	Α	Yes.
9		evaluated every year; some were on two years and	9	Q	And you tried to adhere to it as best you could?
10		were evaluated each year.	10	Α	Yes.
11	Q	You said "Until recently," what does that mean?	11	Q	And would it be fair to say that in terms of
12	Α	I'm not exactly sure of what the law was that was	12		trying to get to people and prioritizing who you
13		passed, but now	13		were going to who you were going to evaluate
14	Q	When were the changes, I guess that's my	14		for one of those that were tenured, that you
15	A	Effective this year.	15		would focus your attention most on those who you
16	Q	So when you say, "Until recently," you mean what	16		had perhaps the most concerns about?
17		you described, the evaluation on a rotating basis	17	Α	I would, to the best of my ability, yes.
18		was the practice and policy of your of the	18	Q	Okay. So in other words, you would agree with
19		District while you were Principal?	19		what I said?
20	Α	Yes.	20	Α	Yes.
21	Q	At the high school?	21	Q	All right. And your responsibilities relate to
22	Ã	Yes.	22		curriculum?
23	Q	All right. And with respect to those who have	23	Α	Yes.
24		permanent contracts, by that you means those who	24	Q	Can you elaborate on that, please.
25		were tenured?	25	Α	Along with the Curriculum Director, I would look
-		Page 10			Page 12
1	Α	Yes.	1		at what new curriculum would be proposed. We
2	Q	And what kind of rotating basis on what kind	2		would then evaluate. And I would also have a
3	•	of a rotating basis were evaluations performed?	3		say, not complete say, but a partial say, in
4	Α	Three years.	4		textbook adoption, et cetera.
5	Q	And to what extent was that that was the	5	Q	Okay. And then once those curriculum changes
6		policy, I take it?	6		were made, how would those be implemented?
7	A	That was the policy.	7	Α	Well, there would be a group of teachers that
8	Q	To what extent was that policy implemented?	8		would come together, depending upon what
9	À	To the best of our ability. I can't say to	9		curriculum it was. It might be over certain
		100 percent, but we would try to follow that	10		grade levels. It might be one particular class.
10		•	11		
10 11		procedure.	1		Some courses were singletons only, so only one
	Q	procedure. Okay. And if you had to I assume you had a	12		Some courses were singletons only, so only one teacher would be responsible for that, along with
11 12	Q	Okay. And if you had to I assume you had a	1		
11	Q	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as	12		teacher would be responsible for that, along with
11 12 13 14	_	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal?	12 13		teacher would be responsible for that, along with the Curriculum Director.
11 12 13	A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some.	12 13 14		teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the
11 12 13 14 15	_	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal?	12 13 14 15		teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of
11 12 13 14 15	A Q A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be.	12 13 14 15 16		teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as
11 12 13 14 15 16	A Q	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be. Would it be fair to say that you, in terms of	12 13 14 15 16 17		teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as textbook adoption and other supplementals, and
11 12 13 14 15 16 17 18	A Q A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be. Would it be fair to say that you, in terms of prioritizing to make sure that you evaluated	12 13 14 15 16 17 18	Q	teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as textbook adoption and other supplementals, and then that would be recommended to the
11 12 13 14 15 16 17 18 19 20	A Q A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be. Would it be fair to say that you, in terms of prioritizing to make sure that you evaluated tenured faculty on a basis that reasonably	12 13 14 15 16 17 18 19	Q	teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as textbook adoption and other supplementals, and then that would be recommended to the Superintendent by the Curriculum Director.
11 12 13 14 15 16 17 18 19 20 21	A Q A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be. Would it be fair to say that you, in terms of prioritizing to make sure that you evaluated tenured faculty on a basis that reasonably complied with policy; in other words, every three	12 13 14 15 16 17 18 19 20	Q	teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as textbook adoption and other supplementals, and then that would be recommended to the Superintendent by the Curriculum Director. Okay. And now you mentioned discipline also as
11 12 13 14 15 16 17 18 19 20 21	A Q A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be. Would it be fair to say that you, in terms of prioritizing to make sure that you evaluated tenured faculty on a basis that reasonably complied with policy; in other words, every three years, that you would focus on those that you	12 13 14 15 16 17 18 19 20 21	Q	teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as textbook adoption and other supplementals, and then that would be recommended to the Superintendent by the Curriculum Director. Okay. And now you mentioned discipline also as being one of your responsibilities as Principal.
11 12 13 14 15 16 17 18 19 20 21	A Q A	Okay. And if you had to I assume you had a lot of teachers for which you were responsible as Principal? 40 some. Right. Many of those tenured, I take it? I don't know what the exact numbers would be. Would it be fair to say that you, in terms of prioritizing to make sure that you evaluated tenured faculty on a basis that reasonably complied with policy; in other words, every three	12 13 14 15 16 17 18 19 20 21	Q	teacher would be responsible for that, along with the Curriculum Director. Then we would meet as a group with the Curriculum Director, myself, that group of teachers. There would be a choice made as far as textbook adoption and other supplementals, and then that would be recommended to the Superintendent by the Curriculum Director. Okay. And now you mentioned discipline also as being one of your responsibilities as Principal. Could you give me a little bit more information

3 (Pages 9 to 12)

		Page 13			Page 15
1		would be times when the extracurriculars would	1	A	Yes.
2	-	come into play with students, as well as faculty.	2	Q	Were you empowered to suspend?
3	Q	Okay. And what responsibilities did you have	3	Α	No.
4		with respect to faculty discipline?	4	Q	Who had to do that?
5	Α	We had a Progressive Disciplinary Policy in our	5	Α	The Superintendent.
6		contract, and it would be to follow that	6	Q	Okay.
7		Progressive Disciplinary Policy.	7	Α	Excuse me, could I ask a question?
8	Q	By contract, you're talking about the contract	8	Q	Sure.
9		with the	9	Α	You're talking about teaching staff
10	Α	PEA.	10	Q	Teaching staff.
11	Q	Teacher's Union?	11	Α	in terms of suspension, because I wasn't
12	Α	Yes, sir.	12		empowered to suspend students, but
13	Q	The Perkins Educational Association?	13	Q	These questions relate to the teaching staff.
14	Α	Yes.	14	Α	Okay.
15	Q	And what in particular was what role in	15	Q	And you wouldn't change any of your answer now
16		particular did you take in manager related to	16		that we've clarified that?
17		teacher discipline?	17	Α	Correct, I would not change my answers.
18	Α	In my position it would usually be in the	18	Q	Okay. So from the point at which a disciplinary
19		Progressive Policy process, starting with a	19		action involving suspension or termination was
20		verbal, then a written, and then working with	20		involved, that kind of discipline would have to
21		as it got to an upper level, with the	21		be imposed by the Superintendent; you weren't
22		Superintendent, at any level. I don't excuse	22		able to do that?
23		me. I don't exactly recall the stages, there	23	Α	That's correct.
24		were a certain number of stages in the process.	24	Q	But I take it you still had a role in the
25	Q	Okay. But verbal, a verbal reprimand was one?	25		process?
		Page 14			Page 16
1	Α	Yes.	1	Α	Yes.
2			1		27111 .0
	Q	A written reprimand was one?	2	Q	What was that?
3	Q A	A written reprimand was one? Yes.	3	Q A	What was that? I would, as Principal, would probably well,
	A	Yes.	l		I would, as Principal, would probably well,
3		_	3		I would, as Principal, would probably well, not probably, excuse me would have the first
3 4	A Q A	Yes. Suspension may have been another? Yes.	3 4		I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then
3 4 5	A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that	3 4 5		I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search
3 4 5 6	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean?	3 4 5 6		I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then
3 4 5 6 7	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I	3 4 5 6 7	A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the
3 4 5 6 7 8	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any	3 4 5 6 7 8		I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge?
3 4 5 6 7 8	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike	3 4 5 6 7 8 9	A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the
3 4 5 6 7 8 9	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any	3 4 5 6 7 8 9	A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with
3 4 5 6 7 8 9 10	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the	3 4 5 6 7 8 9 10	Q A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges.
3 4 5 6 7 8 9 10 11	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some	3 4 5 6 7 8 9 10 11	A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any
3 4 5 6 7 8 9 10 11 12 13	A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes.	3 4 5 6 7 8 9 10 11 12 13	Q A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges.
3 4 5 6 7 8 9 10 11 12 13 14	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or	3 4 5 6 7 8 9 10 11 12 13 14	Q A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role.
3 4 5 6 7 8 9 10 11 12 13 14 15	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and	3 4 5 6 7 8 9 10 11 12 13 14 15	Q A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline
3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and written reprimand stage?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw some conclusions about what happened and whether some disciplinary action is appropriate?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and written reprimand stage? The verbal could be I might verbally notify him that I had a verbal. The written he would	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw some conclusions about what happened and whether some disciplinary action is appropriate? Depending upon the charge, yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and written reprimand stage? The verbal could be I might verbally notify him that I had a verbal. The written he would probably get a copy of, or she, as it may be.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw some conclusions about what happened and whether some disciplinary action is appropriate?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and written reprimand stage? The verbal could be I might verbally notify him that I had a verbal. The written he would probably get a copy of, or she, as it may be. And you were empowered to issue verbal reprimands	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw some conclusions about what happened and whether some disciplinary action is appropriate? Depending upon the charge, yes. Okay. Well, is there any kind of charge where that would not be true?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and written reprimand stage? The verbal could be I might verbally notify him that I had a verbal. The written he would probably get a copy of, or she, as it may be.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw some conclusions about what happened and whether some disciplinary action is appropriate? Depending upon the charge, yes. Okay. Well, is there any kind of charge where that would not be true? If a complaint went directly to the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q Q A Q	Yes. Suspension may have been another? Yes. Eventually getting up to termination; is that what you mean? Yes, I Okay, fair enough. In terms of your role at any given stage, what would that be well, strike that. Let me go back. You said after, at some point you would begin working with the Superintendent? Yes. And that would be after you got past the or would that be after you got past the verbal and written reprimand stage? The verbal could be I might verbally notify him that I had a verbal. The written he would probably get a copy of, or she, as it may be. And you were empowered to issue verbal reprimands as Principal?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q	I would, as Principal, would probably well, not probably, excuse me would have the first several steps: A verbal, a written, and then depending upon what the I'm trying to search for the right word here what the complaint was, what the Charge? the charge was, would have conversations with the Superintendent in regards to the process, in regards to the charges. Okay. So would it be fair to say that at any stage, whether you actually impose the discipline or whether it was the Superintendent, your role was to investigate the charge and try to draw some conclusions about what happened and whether some disciplinary action is appropriate? Depending upon the charge, yes. Okay. Well, is there any kind of charge where that would not be true?

4 (Pages 13 to 16)

		Page 17			Page 19
1	Q	But if it comes to you, then what I said would be	1		Would it be fair to say that that Superintendents
2	•	accurate?	2		with you, with whom you have worked, have
3	Α	I believe so, yes.	3		routinely conferred with you before making a
4	Q	All right. And I take it that, that it was	4		decision about what disciplinary action to
5		important, both from your standpoint and from the	5		impose?
6		standpoint of the Superintendents with whom you	6	Α	Not also conferred, informed sometimes. Not
7		worked, to make sure they are kept abreast? In	7		always conferred, informed.
8		other words, that they are informed fully of	8	Q	All right. Well, they at least find out from you
9		matters related to staff disciplinary matters?	9		what the facts are?
10	Α	I'm sorry, could you repeat that?	10	Α	Yes.
11	Q	Yes. Sure. I'm sorry, that wasn't a very good	11	Q	Would it also be the case that if if faculty
12		question. Would it be fair to say that you	12		or students are having any kind of a serious
13		regarded it as important to keep your	13		medical issue that part of your responsibility as
14		Superintendent fully informed of matters	14		Principal would be to make sure that the
15		involving staff discipline?	15		Superintendent was kept informed of that?
16	Α	I've always tried to.	16	Α	I would try to, but not always. I've had
17	Q	Okay. And as part of that, you would agree that	17		students and faculty who had procedures that I
18		it would be important to make sure that any	18		didn't know about.
19		salient facts; in other words, important facts	19	Q	Well, assuming you were aware of it, then part of
20		are brought to the attention of the	20		your responsibility would be to make sure that
21		Superintendent so he understands what's going on?	21		the Superintendent was kept informed?
22	Α	I believe that's part of the job of a Principal,	22	Α	I would look at that as a courtesy, not as a
23		yes. I'm not sure that I've always done that in	23		requirement; but to, in general form of
24		a timely fashion, but I've tried to, yes.	24		communication, to keep him in the loop and
25	Q	Okay. And, of course, from the standpoint of	25		informed, yes.
		Page 18	<u> </u> 		Page 20
7		-	1	0	-
1 2		your investigation, disciplinary action, particularly with a tenured faculty member,	1	Q	And that's something that you try to do as much as possible?
3		- · · · · · · · · · · · · · · · · · · ·	2		As much as possible, as I was aware, yes.
4		really for any faculty member, is it could be pretty vitally important, I mean, it's their	3	A Q	Okay. Let's talk a little bit about your
5		livelihood, right?	5	Ų	knowledge of Carol Smith during the period of
6	Α	Yes.	6		time that you worked together as colleagues,
7		And you've always, I take it, recognize the	7		including the time that you supervised her as
8	Q	importance of thoroughly investigating any			Assistant Principal or Principal.
9		charges before recommending any disciplinary	8 9		
10		action?	10		Well, let me ask you, how would you characterize her career at Perkins?
	A	Yes.	11		MS. GRIGSBY: I'm going to object. You
11 12	A		12		
	Q	Okay. And with respect to matters involving suspension or termination, part of your job would	13	٨	can answer the question.
13			1	A	I was going to ask you about characterize,
14		be to part of your role as Principal, would be	14 15		because I don't think that's my place to let
15 16		to recommend what kind of disciplinary action you	16		me answer it this way, I'll answer your, what I
16 17		would think to be appropriate under the	17		perceive to be the question.
17	A	circumstances? I wouldn't categorize it as recommending, because	18		As a teacher for 14 years, my contact
18 19	Α	I would follow the process, and once in the	19		with her was limited pretty much to being in the same department for a number of years, which
20		process, in my interpretation, it becomes my	20		would be the Vocational Department. I taught at
			21		
21 22		superior, the Superintendent, their job in terms of suspension, termination.	22		one end of the building, she was in the middle of the building, we didn't have a lot of contact. I
	0	To decide?	23		
	Q		i .		had a very busy schedule. I went from one end of
23 24	A	Vec	[21		the huilding to the other teaching Social Studies
23 24 25	A Q	Yes. Okay. Well, let me ask it a little differently.	24 25		the building to the other teaching Social Studies and Vocational Agricultural. As the Principal,

5 (Pages 17 to 20)

A saistant Principal, it would be those supervisory duties that I described before. Q Okay, You certainly were generally aware of the regulation of the faculty with whom you worked with you or at the just of the course of the regulation of the faculty with whom you worked solely with, like those who were at the high school with you or at the just of the me just of it m			Page 21			Page 23
2 Supervisory duties that I described before. 3 Q Chay, You certainly were greatly aware of the regutation of the fineaby with whom you worked while you were at Perkins? 4 I don't know what you mean by "reputation." 5 Who were at the high school willy you or at the just of the who were at the high school willy you or at the just of who were at the high school willy you or at the great who were at the high school willy you or at the just of the just of who were at the high school willy you or at the great who were at the high school willy you or at the great who were at the high school willy you or at the great who were at the high school willy you or at the great who were at the high school will you or at the great who were at the high school will you or at the great who were at the high school will you or at the great who were at the high school. 4 I was aware of who I worked with, yes. 10 Q Nokay, Well, let me just be more direct. 2 Q Nond it be fair to say that, based on your understanding, Carol Smith was actively involved in the Prekins educational community? 1 A Yes. 18 Q And she was involved in many, many different kinds of extracurricular activities with her students, including coaching, is that right? 2 Mys. Yes. Yes. 2 Mys. GRIGSBY: Were talking about the course of her career. 2 Mys. GRIGSBY: Were talking about the course of her career. 2 Mys. GRIGSBY: Were talking about the course of her career. 2 Mys. GRIGSBY: Were talking about the course of her career. 3 Q Part the course of her career. 4 A Yes. 5 Q Over the course of your career, right? 5 A Yes. 6 Q Over the course of your career, right? 6 A She would volunteer her time with the students frequently for a number of different kinds of a critical students when a precipion of the same students when she was earching Business, yes. 4 A Chery was a large of the District whenever the same and thin the peak everal students what it and the classroom. 4 A She would volunteer her time with the students frequently for a number of different kinds of a critical	1		Assistant Principal, it would be those	1	A	she was a school supporter.
3 Q Okay, You certainly were generally aware of the reputation of the funcily with whom you worked while you were at Perkins? 5 A Idon't know what you mean by "reputation." 5 A Idon't know what you mean by "reputation." 5 A Idon't know what you mean by "reputation." 7 Q The nears that you worked closely with, like those who were at the high school with you or at the juintor high withy out. 9 A I was aware of who I worked with, yes. 10 Q All right. And at least to the best of your knowdedge, within having worked with Carol, she always kept the best interests of her students at heart? A Okay, Wall, it he fair to say that, based on your understanding, Carol Smith was actively involved in the Perkins educational community? 16 Worked with interests of her students at heart? W. S., I don't know. Wall, with was fively the heart with the radiance with the rest students and heart? W. S., I don't know. W. S., I don't know. W. S., I don't know about a reputation, but from my perspective That's correct? V. S., I don't know about a reputation, but from my perspective That's correct? V. S., I don't know about a reputation, but from my perspective V. S., V. S., I don't know about a reputation, but from my perspective V. S., V. S., I don't know, when the set interests of her students at heart? V. S., V. S., I don't know, which you know seed, with interest of her students at heart? V. S., I don't know. V. S., ELLAZIS. V. S., V. S., I don't know. V. S., ELLAZIS. V. S., V. S., I don't know. V. S., V. S., I don't know. V. S., ELLAZIS. V. S., V. S., I don't know. V. S., ELLAZIS. V. S., V. S., I don't know. V. S., V. S., V. S., I don't know. V. S., V. S., I don't know. V. S., V. S., V. S., I don't know. V. S., V. S.	2		- ·	2	Q	
regustion of the faculty with whom you worked bille you were at Perkins? A I don't know what you mean by "regutation." The ones that you worked closely with, like those who were at the high school withy our at the junior high with you. A I was aware of who I worked with, yes. I A I was aware of who I worked with, yes. A Okay. A Okay. Would it be fair to say that, based on your understanding, Carol Smith was actively involved in the Perkins educational community? A Yes. A Ms. GRIGSBY: Objection. A Yes. Ms. GRIGSBY: We're talking about the course of her career. Page 22 Ms. GRIGSBY: We're talking about the course of her career. Page 22 A Yes. BY MR. BELAZIS: BY MR. BELAZIS: A Yes. Page 24 I A Yes. Page 27 I A Yes. Page 29 Page 20 A Well, avide from my perspective — ves. I don't know about a reputation, but from my perspective — ves. A Light. And at least to the best of your knowledge, within having worked with Carol, she always kept the best interests of her students at heart? Ms. GRIGSBY: Objection. Well, you worked with her for all those years, based on what you have seen, would it be a fair statement that Carol, based on your observations, that Carol always kept the best interests of her stadents at heart? Ms. GRIGSBY: Objection. Ms. GRIGSBY: Objection. I will say not always, in any perception. I think that's a very strong word and there are several instances when I had to meet with her and parents Page 24 I hat were less thun amicable. BY MR. BELAZIS: BY MR.	3	O		3	•	
shile your were at Perkins? A Ident Now what you mean by "reputation." A Ident Now what you mean by "reputation." A Ident Now what you mean by "reputation." B who were at the high school with you or at the juminor high with you. A I was aware of who I worked with, yes. O A I was aware of who I worked with, yes. O Chay. Well, it me just - let me just be more direct. A Okay. O Would it be fair to say that, based on your understanding, Carol Smith was actively involved in the Perkins educational community? A Yes. O And she was involved in many, many different kinds of extracurricular activities with her students, including coaching is that right? A Yes. Ver talking about the course of her career. Page 22 A New BR, BELAZIS: That's right. I'm talking about the course of her career. A New BY MR, BELAZIS: That's right. I'm talking about the course of her career. Page 22 A Nes. BY MR, BELAZIS: That's right. I'm talking about the course of her career. Page 22 A Nes. BY MR, BELAZIS: That's right. I'm talking about the course of her career. Page 24 A Nes. BY MR, BELAZIS: That's right. I'm talking about the course of her career. Page 24 A Nes. BY MR, BELAZIS: That's right. I'm talking about the course of her career. Page 27 A Nes. BY MR, BELAZIS: That's right. I'm talking about the course of her career. Page 29 Page 20 A Nes By MR, BELAZIS: That's right. I'm talking about the course of her career. Page 20 A Nes By MR, BELAZIS: That's right. I'm talking about the course of her career. Page 20 D Over the course of for career. Page 20 D Over the course of your career, right? A Yes. D O Over the course of own career, right? A She, when - I remember having some of the same students when she was teaching Business, yes. Of A grid that when the same and the chastsoron. B A Yes. D O Over the course of your career, right? A She, would volunteer her time with students then and I think helped several students make if through high school. BY MR, BELAZIS: The same objection. A I think here was a		`		4		* * ==
A I don't know what you mean by "reputation." The ones that you worked closely with, like those who were at the high school with you or at the junior high with you. The ones that you worked closely with, like those who were at the high school with you or at the junior high with you. A I was aware of who I worked with, yes. O Okay. Well, let me just let me just be more direct. Would lite fair to say that, based on your understanding, Carol Smith was actively involved in the Perkins educational community? A Ves. O And she was involved in many, many different kinds of extracurricular activities with her standents, including coaching; is that right? A Yes, Yes. MR. BELAZIS: A Yes, Yes. Page 22 Page 24 A Yes. Page 24 A Yes. Page 27 Page 24 A Yes. Page 27 Page 24 A Yes. Page 28 Page 29 A Well when was takin? A Yes. Page 29 Page 24 A Yes. Page 10 A Yes. Page 20 A Mad certainly as advisor to numerous classes, senior class advisor, junior class advisor? A Pan not aware of the junior class advisor? A Pan not aware of the junior class advisor? A Yes. By MR. BELAZIS: Q And when was that? A Yes. Page 27 Page 24 A Yes. Page 28 Page 29 A New hen I remember having some of the same students when have steaching bucents in and think heptod several students make it through high school. Q Ray, And I memorber having some of the same students when she was teaching bucents when and think heptod several students make it through high school. Q Ray Mape and there was a level that was searching Business, yes. Q Ray Mape and think heptod several students make it through high school. Q Ray Mape and the read when were issues about sleeping that emerged toward the end of her career: A She would volunteer her time with students the and think heptod several students make it through high school. A To the best of ny knowledge. I never campaigued with a person of the person was a mix between termis and the carries of the per	5			5		levies?
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6 (Pages 21 to 24)

1		Page 25			Page 27
*		I've seen some correspondence in the file	1		THE WITNESS: Could you repeat that,
2		referring to Carol and members of her family,	2		please?
3		many of who strike that.	3		MR. BELAZIS: Well, never mind, I'll
4		Let me start again. Besides Carol, her	4		just withdraw the question.
5		family also was actively involved in the Perkins	5		THE WITNESS: Okay.
6		School community.	6		BY MR. BELAZIS:
7	Α	Her son was a member of the School Board.	7	Q	Now, you obviously worked in the same building
8	Q	In fact, he was President of the School Board	8		with Carol during the time you were at the high
9		for	9		school together?
10	Α	Could very well be, I don't know. I do not	10	Α	Yes,
11		recall, excuse me.	11	Q	And if you didn't see her daily, you saw her on
12	Q	And that would have been her son, Chris?	12		some regular basis, I assume?
13	À	Yes.	13	Α	I wouldn't say a regular basis.
14	Q	And her son, Chris, was also the Cross Country	14	Q	Well
15		coach?	15	A	Maybe once a week, maybe once a month, sometimes.
16	Α	After he resigned from the School Board, yes.	16	Q	Okay. But you both were working in the same
17	Q	And her husband, Richard, Dick, was also actively	17	•	building, right?
18	•	involved with the school?	18	A	Yes.
19	Α	As I recall, he used to do track meets and maybe	19	Q	And on some regular basis, whether it was once a
20		games as the announcer.	20	_	week or once a month, you saw her, at least with
21	Q	He did that for decades?	21		that on a regularity, for approximately 25 years,
22	À	A number of years. I couldn't put a number on	22		right?
23		it, but a number of years.	23	Α	Yes.
24	Q	And the entire family was involved in trying to	24	Q	Okay. You were both relatively young people when
25		promote the schools?	25		you first began working together; is that right?
		Page 26			Page 28
1	Α	I don't know about the entire family.	1		She's a little older than you?
2	Q	At least those	2	Α	She's a little older than I am, I don't know her
3	Α	Those that you've discussed, yes.	3		exact age, so I I was relatively young, yes.
4	Q	that we've talked about?	4	Q	And she was considerably young at the time, too?
5	Α	Yes. Yes. Those that we mentioned, yes.	5	Α	Yes.
6	Q	Okay. And would you agree with me that Carol	6	Q	That would be fair?
7		Smith had a great deal of respect within the	7	Α	Yes.
8		Perkins School community over the course of her	8	Q	And over the course of the years that you worked
9		career?	9		together, I take it that it would be fair to say
10		MS. GRIGSBY: Objection. You can	10		that you observed that Carol's health began to
		answer, if you can.	11		deteriorate in some respects; in other words, you
11		BY MR. BELAZIS:	12		began to notice some changes?
11 12			1 4 4		
	Q	I'm just asking for your understanding.	13		MS. GRIGSBY: Objection.
12	Q A	I'm just asking for your understanding. I think that depends on who you spoke to,	13	Α	MS. GRIGSBY: Objection. I wouldn't speculate as to her health
12 13			ı	A	·
12 13 14		I think that depends on who you spoke to,	14	A	I wouldn't speculate as to her health
12 13 14 15	A	I think that depends on who you spoke to, because	14 15	A	I wouldn't speculate as to her health deteriorating. We all have issues and she had
12 13 14 15 16	A Q	I think that depends on who you spoke to, because Okay. I'm just asking about your understanding.	14 15 16	A Q	I wouldn't speculate as to her health deteriorating. We all have issues and she had some, as well as myself.
12 13 14 15 16 17	A Q	I think that depends on who you spoke to, because Okay. I'm just asking about your understanding. Right. And I would still say I think that	14 15 16 17		I wouldn't speculate as to her health deteriorating. We all have issues and she had some, as well as myself. BY MR. BELAZIS:
12 13 14 15 16 17	A Q A	I think that depends on who you spoke to, because Okay. I'm just asking about your understanding. Right. And I would still say I think that depends to who you would speak to.	14 15 16 17 18		I wouldn't speculate as to her health deteriorating. We all have issues and she had some, as well as myself. BY MR. BELAZIS: As we get older many of us have health issues
12 13 14 15 16 17 18 19	A Q A	I think that depends on who you spoke to, because Okay. I'm just asking about your understanding. Right. And I would still say I think that depends to who you would speak to. And would you say that, from your perspective, that that's a fair characterization?	14 15 16 17 18 19	Q A	I wouldn't speculate as to her health deteriorating. We all have issues and she had some, as well as myself. BY MR. BELAZIS: As we get older many of us have health issues that arise; is that right?
12 13 14 15 16 17 18 19 20 21	A Q A	I think that depends on who you spoke to, because Okay. I'm just asking about your understanding. Right. And I would still say I think that depends to who you would speak to. And would you say that, from your perspective, that that's a fair characterization? MS. GRIGSBY: Objection.	14 15 16 17 18 19 20	Q	I wouldn't speculate as to her health deteriorating. We all have issues and she had some, as well as myself. BY MR. BELAZIS: As we get older many of us have health issues that arise; is that right? Yes.
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12 13 14 15 16 17 18 19 20 21	A Q A	I think that depends on who you spoke to, because Okay. I'm just asking about your understanding. Right. And I would still say I think that depends to who you would speak to. And would you say that, from your perspective, that that's a fair characterization? MS. GRIGSBY: Objection. THE WITNESS: Do I have to answer that	14 15 16 17 18 19 20 21	Q A Q	I wouldn't speculate as to her health deteriorating. We all have issues and she had some, as well as myself. BY MR. BELAZIS: As we get older many of us have health issues that arise; is that right? Yes. That's pretty common? Yes.

7 (Pages 25 to 28)

		Page 29			Page 31
1		that she had been diagnosed with diabetes?	1		opinion I'm not asking you for a medical
2	Α	Yes.	2		definition. In your opinion, would it be
3	Q	And she had suffered from diabetes for a number	3		incorrect to say that say Carol had become
4		of years and you were aware of that?	4		extremely obese?
5	Α	I was not aware of how many years. I knew that	5	Α	Could you tell me what you mean by extremely
6		we had a conversation at one time, because I have	6		obese?
7		a family history of that as well.	7	Q	I'm just asking for whatever you, whatever you
8	Q	Okay. And prior to that, prior to that	8		want to take that to mean.
9		conversation, were you aware that she had been	9	Α	I would not say that she was extremely obese.
10		diagnosed with diabetes?	10	Q	Okay. Fair enough. With her height and weight,
11	Α	I don't recall that I had.	11		would you think that 300 pounds would be
12	Q	Do you remember when that conversation was?	12		extremely obese?
13	À	I remember the place, but I don't remember a	13	Α	I did not know her height or weight, but if
14		time. You know, some things stick in your mind,	14		that's what you're saying as an example, that
15		I remember being outside of our office in the	15		would be very large and obese.
16		hallway by our teacher's workroom.	16	Q	That would be extreme obesity, in your opinion,
17	Q	Okay. And roughly how many years, prior to the	17		right?
18	•	time of her termination, would that have been?	18		MS. GRIGSBY: I think it calls for a
19	Α	I really don't recall.	19		characterization, you know
20		MS. GRIGSBY: Can we take a short,	20		MR. BELAZIS: That's fine. I'm just
21		brief break?	21		asking for his opinion.
22		THEREUPON, there was a brief recess.	22		BY MR. BELAZIS:
23		BY MR. BELAZIS:	23	Q	In your opinion, given her height, with 300
24	Q	Okay. We were talking about health issues that	24		pounds, would you regard that as extreme obesity?
25	`	emerged with Carol as over the years as you were	25	Α	Not particularly.
		Page 30			Page 32
1					
		working together with her in the Perkins District	1	Q	Okay. You also became aware that Carol had had
2		working together with her in the Perkins District and at the high school. We were just talking	1 2	Q	eye surgery in 2005; is that correct?
2 3			1	Q A	
		and at the high school. We were just talking	2	_	eye surgery in 2005; is that correct?
3		and at the high school. We were just talking about that issue of diabetes, we just finished	2 3	_	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye
3 4	A	and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol	2 3 4	_	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I
3 4 5	A	and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol began to suffer from extreme obesity?	2 3 4 5	A	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I remember she had an eye patch.
3 4 5 6	A Q	and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol began to suffer from extreme obesity? I wouldn't characterize what "extreme obesity"	2 3 4 5 6	A	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I remember she had an eye patch. And she was out of the building; in other words,
3 4 5 6 7		and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol began to suffer from extreme obesity? I wouldn't characterize what "extreme obesity" is. Her body figure changed.	2 3 4 5 6 7	A	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I remember she had an eye patch. And she was out of the building; in other words, away from work for some period of time during her
3 4 5 6 7 8		and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol began to suffer from extreme obesity? I wouldn't characterize what "extreme obesity" is. Her body figure changed. She put on a great deal of weight; would that be	2 3 4 5 6 7 8	A	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I remember she had an eye patch. And she was out of the building; in other words, away from work for some period of time during her recovery from her eye surgery; do you recall
3 4 5 6 7 8	Q	and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol began to suffer from extreme obesity? I wouldn't characterize what "extreme obesity" is. Her body figure changed. She put on a great deal of weight; would that be fair?	2 3 4 5 6 7 8	A Q	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I remember she had an eye patch. And she was out of the building; in other words, away from work for some period of time during her recovery from her eye surgery; do you recall that?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A	and at the high school. We were just talking about that issue of diabetes, we just finished that. You also, I take it, noticed that Carol began to suffer from extreme obesity? I wouldn't characterize what "extreme obesity" is. Her body figure changed. She put on a great deal of weight; would that be fair? She put on weight. Well, how much weight would you say that she put on? I wouldn't know. Do you know what I mean by obesity? Yes. By the doctor's definition I'm obese. Well, was Carol more obese than you? I wouldn't make that characterization. She was she had put on weight from the time I first started teaching, yes. All right. And would it be incorrect, from your I'm just asking for your opinion. Would it be incorrect, in your opinion, to say that she	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A A	eye surgery in 2005; is that correct? I was aware that she had a patch on and had eye surgery. I forget which eye it was, but I remember she had an eye patch. And she was out of the building; in other words, away from work for some period of time during her recovery from her eye surgery; do you recall that? I don't recall, but I know that she had the surgery. And do you recall that Carol parked in a handicapped spot at the high school? You guys had a handicapped, designated handicapped spot, right? Yes. And you recall that Carol parked there? Yes. And she parked there for a number of years, up until the time she left? I don't recall the number of years, but I know she had a sticker.

8 (Pages 29 to 32)

		Page 33			Page 35
1		individual has difficulty ambulating from a	1	Q	Okay. And I believe, and I think you said you
2	•	normal spot, which is farther away, to the	2		reviewed your testimony of the hearing at Sawmill
3		building; would that be fair to say?	3		Creek. I believe your testimony was that she
4	Α	Truthfully, I don't know how the stickers are	4		told you that she had difficulty getting down the
5	_	given out.	5		steps; is that correct?
6	Q		6	A	I believe so.
7	Α	I understand them to have some sort of	7	Q	And you offered to provide her with a wheelchair;
8	_	disability, possibly.	8		is that correct?
9	Q	Okay. And all I'm asking is this, just yes or	9	A	Yes.
10		no. Would it be fair to say that authorization	10	Q	And you did provide her with a wheelchair; is
11 12		to park in a specially designated well, let me	11 12	٨	that correct? Yes.
13		start again. Would it be fair to say that the	13	A	
13 14		handicapped parking spots are closer to the	14	Q	So she would be able to get out of the building using the wheelchair because of her difficulty
15		building than most other spots? In other words, they're intended to get the individual with	15		with issues of mobility, at least what she
16		the they're parked there closer to the	16		expressed to you; is that right?
17		entrance of the building; would that be fair?	17	Α	Yes.
18	Α	They're very close to the building, but not	18	Q	Now, the issue of Carol sleeping on the job,
19	А	closer than all.	19	Q	during class; in other words well, strike
20	Q	And those spots are reserved for those	20		that. Let me start again.
21	~	individuals so they have a place to park that's	21		The question of whether Carol had slept
22		close to the building; would that be fair also?	22		on the job began to emerge in the 2007-2008
23	Α	Yes.	23		school year, I think that was your testimony at
24	Q	Okay. And the reason that they and would it	24		Sawmill Creek; would that be fair to say?
25	•	be fair to say, based on your understanding, that	25		MS. GRIGSBY: Objection. You can
		Page 34			Page 36
1		the reason they put them in a spot close to the	1		answer, if you can.
2		building is because they may have difficulty	2	Α	I don't recall the year.
3		otherwise getting from their car to the building;	3		BY MR. BELAZIS:
4		that would typically be the way it works,	4	Q	Well, you began to hear rumors that Carol had
5		wouldn't it?	5		been sleeping in class, right?
6	Α	I wouldn't speculate as to the reason, but I	6	Α	Yes.
7		don't put them there, our building and grounds	7	Q	And you began to hear it from students and you
8		personnel	8		began to hear it from faculty; is that right?
9	Q	I'm just asking for your understanding. Would	9	Α	No.
10		that be a fair characterization of your	10	Q	From students?
11		understanding?	11	A	No.
12	Α	Could you repeat that, please?	12	Q	From where?
13		MR. BELAZIS: Could you read it back	13	A	Faculty.
14		for me?	14	Q	Okay.
15 16		THEREUPON, the Reporter read the requested portion of the record.	15 16	A	And school staff. I should say school staff.
16 17	Α	To the best of my understanding.	17	Q	Okay. So you began to hear rumors from school staff that Carol had been sleeping on-the-job
18	А	BY MR. BELAZIS:	18		basically?
	Q	That's all I was asking for. Now, you also had	19	Α	Yes.
19	Q	a were involved in an incident with Carol	20	0	Okay. And it would be fair to say that that was
19 20		during the 2007-2008 school year during which she	21	Y	roughly in the 2007-2008 school year; is that
20			22		right?
20 21		failed to leave the building during a fire drill			
20 21 22		failed to leave the building during a fire drill,	l	Δ	· ·
20 21 22 23	A	do you recall that?	23	A	I can't tell without looking back at the
20 21 22	Α		l	A Q	· ·

9 (Pages 33 to 36)

		Page 37			Page 39
1	Α	If there are any that I said that I noted the	1		the next page.
2	-	year.	2	Α	520?
3	Q	Well, let's see here. Can you think of anything	3	Q	I'm sorry. And on that same page it indicates
4		that would suggest that those rumors were	4		what your response to her was, and you indicated,
5		circulated prior to the 2007-2008 school year?	5		that your response was, "That we had to make sure
6	Α	No.	6		that we were not sleeping in class and that we
7	Q	All right.	7		were supervising students at all times," right?
8		MR. BELAZIS: Let's mark this as 1.	8		Do you see that line?
9		THEREUPON, Plaintiff's Exhibit 1 was marked for	9	Α	Yes.
10		identification.	10	Q	Line 10?
11		BY MR. BELAZIS:	11	Α	Line 10.
12	Q	Okay. If you would look, please, at what's been	12	Q	Page 519?
13		marked as Plaintiff's Exhibit No. 1, and that's a	13	Α	Yes.
14		partial transcript of the well, that's a	14	Q	And that's what you remember of that
15		transcript of the testimony that you gave at	15		conversation?
16		Sawmill Creek during the disciplinary hearing;	16	Λ	At that time I remember, yes.
17		would that be fair to say? You can look at it,	17	Q	All right. Now, and at that point in time it
18		if you want.	18		would be fair to say, I take it, that you had
19	Α	It appears to be.	19		also heard, as we discussed a moment ago, rumors
20	Q	Okay. And if you would look at page 518.	20		from faculty at the high school who had been
21	Α	Yes,	21		saying that they observed Carol sleeping, right?
22	Q	And if you look down at line 14, the attorney for	22	Α	I don't recall anybody on the faculty telling me
23		the that was questioning you at that point,	23		that at that time. I do recall this
24		asks you about an encounter you had with Carol	24		conversation
25		during which she approached you "In passing about	25	Q	Okay.
		Page 38			Page 40
1		her health issues and closing her eyes because	1	Α	with Mrs. Smith.
2		she had some surgery"; do you see that?	2	Q	Okay. But as we had said earlier, you had heard
3	Α	Yes.	3		rumors from faculty that told you that, that they
4	Q	And you related the conversation, as best you can	4		had that they believe that they had seen
5		recall it, and you indicated that you were	5		Ms. Carol Smith sleeping on the job, right? We
6		talking about supervision and she mentioned that	6		talked about that a little bit ago.
7		there were people who were saying that she was	7	Α	It would be after this time frame.
8		sleeping. "That wasn't true, because she had one	8	Q	Okay. Do you recall that specifically or you're
. 9		eye that she was almost blind in, and that she	9		just not sure?
10		could she would occasionally close the other	10	Α	I could not give you the date, I don't recall.
11		eye to rest it"; do you see that?	11	Q	And that's fair enough. It could have been a
12	Α	Yes.	12		little bit before or it could have been a little
13	Q	And then down below it, line 17, page 519	13		bit after, right?
14		MS. GRIGSBY: Let me just object. I	14	Α	I don't think so.
15		don't see the reference in here to that she	15		MS. GRIGSBY: Objection.
16		stated that oh, there, I see it. Oh, that's	16	Q	All right.
17		fine then. Okay. I'm sorry.	17		MR. BELAZIS: Well, let me mark this.
18		MR. BELAZIS: No problem.	18		THEREUPON, Plaintiff's Exhibit 2 was marked for
19		BY MR. BELAZIS:	19		identification.
20	Q	And on page 519, you get down to line 17, it says	20		BY MR. BELAZIS:
21		"It would have been during the school year prior	21	Q	I've handed you what's been marked as Plaintiff's
		to 2008-2009." "Sometime during the 07-08 school	22		Exhibit No. 2. And as you can see that's an
22		year"; do you see that?	23		Affidavit of James Gunner, whose the
23		TT T 1	l ~ ·		0 1 1 1 0 1 1 1 1 1 1
	A Q	Yes, I do. And that's what you indicated. And if you go to	24 25	Α	Superintendent of the schools, right? That's his signature, yes.

10 (Pages 37 to 40)

		Page 41			Page 43
1	Q	Have you seen this affidavit before?	1	Q	Sure.
2	Α	No.	2	A	The next paragraph.
3	Q	If you look at what's identified on the first	3	Q	Uh-huh.
4		page as No. Paragraph 1, it says, it indicates	4	Α	Paragraph 4.
5		that Mr. Gunner began serving as Superintendent	5	Q	Okay. But asking
6		on May 1, 2008; is that right?	6	Α	That does not go back to May, I understand that.
7	Α	Yes, I believe so.	7	Q	Right. I'm just asking you whether, as part of
8	Q	Okay. And then it indicates in paragraph 2	8		your strike that.
9		I'm sorry, in paragraph 3, he says, "Shortly	9		You've already told me that part of
10		after I became Superintendent, I received reports	10		your responsibility was to advise the
11		of teacher Carol Smith sleeping when she was	11		Superintendent of any problems related to staff,
12		supposed to be teaching or otherwise supervising	12		right?
13		students." So he goes on to describe that this	13	Α	Yes.
14		has been a problem since at least the 2007-2008	14	Q	And if it had come to your attention that Carol
15		school year; do you see that?	15		Smith may have been sleeping on-the-job, that is
16	Α	Yes.	16		a concern that you would have certainly wanted
17	Q	And he also discusses the fact that, that	17		the Superintendent to be aware of; would that be
18		Mrs. Smith had refused to exit the high school	18		fair?
19		during a fire drill during the 2007-2008 school	19	Α	I had never seen her sleeping in class, so I
20		year resulting in a citation against the	20		would not feel that I could say something to the
21		District, do you see that?	21		Superintendent to that regard.
22	Α	Yes.	22	Q	All right. Fair enough. But apparently from
23	Q	Do you recall that the Superintendent began his	23	•	what you told me, you were certainly aware of the
24		employment before the end of 2007-2008 school	24		issue of the fire drill?
25		year?	25	Α	Yes.
		Page 42			Page 44
1	Α	Yes.	1	Q	And did you tell the Superintendent about that?
2	Q	Okay. And that would have been May 1 is	2	Ă	I don't recall that I did.
3	*	before the school year ends?	3	Q	Do you know how he would have otherwise learned
4	Α	Yes.	4	_	about it?
5	Q	And, of course, he wanted to know any important	5		MS. GRIGSBY: Objection.
6	•	facts about your faculty at the high school; is	6	Α	It could have been in an administrative meeting
7		that right? In other words, as part of his	7		that we discussed it. It could have been
8		orientation he was trying to get his arms around	8		somebody else that discussed it.
9		what's going on in the District; is that right?	9		BY MR, BELAZIS:
10		MS. GRIGSBY: Objection.	10	Q	So in other words
11		BY MR, BELAZIS:	11	Ā	It could have been the parapro that discussed it
12	Q	Let me ask it, let me ask the question a little	12		with him excuse me, not the parapro, our SRO.
13	~	differently. Would it be fair to say that you	13	Q	In other words, you might have discussed it with
14		discussed with him, shortly after he became	14	~	him during that administrative meeting?
15		Superintendent, the fact that there had been	15		MS. GRIGSBY: Objection,
16		issues about whether or not Carol Smith had been	16	Α	I don't recall.
17		sleeping?	17	11	BY MR. BELAZIS:
18		MS. GRIGSBY: Objection.	18	Q	But you had administrative meetings, I take it?
19		BY MR. BELAZIS:	19	A	Yes.
20	Q	Do you recall?	20	Q	And those administrative meetings began as soon
21	A	I don't recall having that conversation with the	21	Ų	as he became Superintendent or shortly after
22	А	Superintendent.	22		that?
23	Q	Okay. Do you know how else he would have gotten	23	Α	I don't know exactly when they began. I believe
24	Ų	that information?	23	А	we probably had some in May and June.
25	Α	May I refer to something else down here?	25	Q	All right. And there were a wide variety of
	п	my reser to comouning clos down here:		V	1 Inglie. I said moto a made variety of

11 (Pages 41 to 44)

		Page 45			Page 47
1		topics discussed, right?	1		minutes at a time, when in a classroom situation,
2	· A	Yes.	2		can be not good supervisory.
3	Q	Including staff issues, right?	3	Q	That's fine. I understand that the District will
4	Α	Most of the staff issues would have been	4		take that position, but that wasn't my question.
5		one-on-one with him.	5		My question is, would you agree with me
6	Q	I think I've asked you this, but do you recall	6		that if someone is closing their eyes or lower
7		that Carol had her eye surgery resulting in some	7		their lids, because of an eye problem for a few
8		serious complications in the summer of 2005?	8		minutes, it might be perceived by some that that
9	Α	No. I don't recall the date, I recall her having	9		person is sleeping?
10		the surgery and I recall her wearing an eye	10		MS. GRIGSBY: Objection.
11		patch.	11	Α	I'm not a sleep expert to know, without
12	Q	All right. And do you recall that she had a	12		physically standing in front of somebody, whether
13		series of procedures to correct the eye problem	13		they're sleeping or just closing their eyelids.
14		after it originally occurred?	14		BY MR. BELAZIS:
15	Α	No, I do not.	15	Q	And that would be true of most people, right?
16	Q	Okay. Well, let's just assume that she had	16		MS. GRIGSBY: Objection.
17		that she initially had this surgery in or about	17	Α	In terms of if I'm looking in the classroom, I
18		July of 2005, and that she had a series of	18		think I'd be able to tell the difference. I'm
19		procedures after that going into the spring or	19		not sure I've answered your question or what your
20		summer of 2006, okay? Let's just assume that for	20		question was.
21		a moment. Prior to that time, when she began	21		BY MR. BELAZIS:
22		having this eye problem, would it be fair to say	22	Q	My question was this, if someone is closing their
23		that you never heard anything from anyone about	23		eyes for several minutes, because of an eye
24		Carol Smith sleeping on-the-job?	24		problem, it might appear to others that they are
25	A	I don't recall.	25		sleeping; would that be fair?
A		Page 46			Page 48
1	Q	You don't recall that that ever came to your	1		MS. GRIGSBY: Objection.
2		attention; is that right?	2	Α	That's an appearance that, you know, I'd have to
3	Α	I don't recall the time frame.	3		make on my own, a recognition of an appearance
4	Q	Well, I'm just asking you, sitting here today, do	4		that I'd have to make on my own. I can't imagine
5	_	you recall that anyone ever, prior to July of	5		what other people would do.
6		2005, came to you and said Carol Smith is	6		BY MR. BELAZIS:
7		sleeping on-the-job?	7	Q	So, in other words, you'd have to see it
8	Α	I do not recall getting anything specific from	8	_	yourself?
9		anyone prior to 2005.	9	Α	Yes.
10	Q	Okay. And would you agree with me also that if	10	Q	Okay. And you wouldn't know whether someone
11	`	someone is strike that. Let me start again.	11		else, and what they perceived, whether it was
12		Now, as we discussed a moment ago, your	12		accurate or not?
13		recollection of this conversation with Carol	13	Α	If they had seen it themselves and told me that
		Smith, in the 2007-2008 school year, was that she	14		it was, then I'd have to take them at their word.
14		told you that she closed her eyes periodically to	15	Q	Okay. All right. And how would you know that
14 15		• • • • • • • • • • • • • • • • • • • •	16		whether they were accurate or not in their
14	A	rest them, right, because of her eye problem? I believe that's what I had said in the	16 17		whether they were accurate or not in their determination?
14 15 16	Α	rest them, right, because of her eye problem? I believe that's what I had said in the	l	A	•
14 15 16 17		rest them, right, because of her eye problem? I believe that's what I had said in the testimony, yes.	17		determination? In their determination of?
14 15 16 17 18 19	A Q	rest them, right, because of her eye problem? I believe that's what I had said in the testimony, yes. Okay. And you would agree with me that if	17 18 19	A Q	determination? In their determination of? Of whether an individual with their eyes closed
14 15 16 17 18 19 20		rest them, right, because of her eye problem? I believe that's what I had said in the testimony, yes. Okay. And you would agree with me that if someone is closing their eyes or even just	17 18 19 20	Q	determination? In their determination of? Of whether an individual with their eyes closed is sleeping?
14 15 16 17 18 19 20 21		rest them, right, because of her eye problem? I believe that's what I had said in the testimony, yes. Okay. And you would agree with me that if someone is closing their eyes or even just lowering their eyelids, because of an eye	17 18 19 20 21	Q A	determination? In their determination of? Of whether an individual with their eyes closed is sleeping? Again, I would have to take them at their word.
14 15 16 17 18 19 20 21		rest them, right, because of her eye problem? I believe that's what I had said in the testimony, yes. Okay. And you would agree with me that if someone is closing their eyes or even just lowering their eyelids, because of an eye problem, for a few minutes at a time, it might	17 18 19 20 21 22	Q	determination? In their determination of? Of whether an individual with their eyes closed is sleeping? Again, I would have to take them at their word. In other words, if they told you that they
14 15 16 17 18 19 20 21		rest them, right, because of her eye problem? I believe that's what I had said in the testimony, yes. Okay. And you would agree with me that if someone is closing their eyes or even just lowering their eyelids, because of an eye	17 18 19 20 21	Q A	determination? In their determination of? Of whether an individual with their eyes closed is sleeping? Again, I would have to take them at their word.

12 (Pages 45 to 48)

		Page 49			Page 51
1		down to Mrs. Smith's room to see if that was the	1		fairly clear, if they're not let me know. You
2 .		case.	2		have an individual who closes their eyes every
3	Q	And you never saw her sleeping, did you?	3		day for a few minutes, because of an eye problem,
4	Α	I did not.	4		a member of your staff observed that and
5	Q	Let's just assume for a moment that Carol or	5		concluded that the individual is sleeping and
6		anyone else closes their eyes for a few minutes	6		they come to you and report it to you. You
7		each day, because of an eye problem, and that	7		investigate and determine that, in fact, the
8		others perceive that as causing as sleeping,	8		individual has eye problems simply causes them to
9		okay, let's assume that. That would certainly be	9		close their eyes for a few minutes each day, so
10		the basis for rumors to begin about whether that	10		how do you deal with that with your staff?
11		person is sleeping?	11		MS. GRIGSBY: I'm going to object.
12		MS. GRIGSBY: Objection.	12		BY MR. BELAZIS:
13	Α	I'm not going to speculate as to the beginning of	13	Q	If you have those, if you had that scenario
14		rumors.	14		presented to you, how would you deal with it with
15		BY MR. BELAZIS:	15		your staff?
16	Q	Okay. Well, you're the Chief Administrator in	16	Α	It would be an individual situation.
17		your building, okay, and you let's just take a	17		MR. GRIGSBY: I'm going to let me
18		hypothetical and just tell me how you would deal	18		just, yes, interpose the objection again.
19		with this. You're the Chief Administrator in	19		MR. BELAZIS: Good enough.
20		your building and all of your, many of your staff	20		BY MR. BELAZIS:
21		observed someone with their eyes closed due to	21	Q	Under those circumstances, what would you do?
22		the fact that they have an eye problem and	22	Α	It's a hypothetical situation that's never
23		conclude that that person is sleeping, and they	23		happened.
24		come to you and they tell you "I've seen this	24	Q	Okay. Well, let's assume it does happen, tell me
25		individual sleeping." And you investigate and	25		how
		Page 50			Page 52
1		determine that, in fact, they have an eye problem	1	Α	I don't deal on assumptions or hypotheticals.
2		that causes them to close their eyes making them	2	Q	Well, I'm asking you to. I'm asking you to
3		to appear as though they are sleeping, what would	3		answer the question. I'm not asking you to
4		you do about that as an Administrator?	4		refuse to answer the question. I'm giving you a
_			1		, , ,
5		· ·	5		set of facts, I'm asking how you would deal with
5 6	A	MS. GRIGSBY: I'm going to object.	5 6		set of facts, I'm asking how you would deal with it as an Administrator?
	A	MS. GRIGSBY: I'm going to object. I don't deal in hypotheticals.	1	A	it as an Administrator?
6 7	A	MS. GRIGSBY: I'm going to object. I don't deal in hypotheticals. MS. GRIGSBY: I'm going to object. The	6	A	it as an Administrator? How do those
6 7 8	A	MS. GRIGSBY: I'm going to object. I don't deal in hypotheticals. MS. GRIGSBY: I'm going to object. The fact that the hypothetical do not match the case	6	A	it as an Administrator? How do those THE WITNESS: Can I ask a question?
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13 (Pages 49 to 52)

		Page 53		·	Page 55
1		I've just given you a set of facts and I've asked	1		other staff. Specifically, I would talk to the
2 .		you how you would deal with that scenario.	2		individual.
3		MS. GRIGSBY: Well, you're asking him	3	Q	Okay. All right. The individual being, the
4		to imagine a scenario where people have falsely	4		individual who accused
5		made a report to him. That is not a scenario he	5	Α	Who has the medical issue.
6		has dealt with.	6	Q	And then what?
7		MR. BELAZIS: Wait a minute. Wait a	7	Α	I would talk to them about the medical, but I
8		minute. Teresa, now you're testifying. If you	8		would not go around making a general statement
9		have an objection, say you have an objection.	9		about that person's health.
10		MS. GRIGSBY: I think it's an unfair	10	Q	All right. And how would you go about when
11		question.	11		you say you would talk to the individual, what
12		MR. BELAZIS: Well, you may think it's	12		would you want to do?
13		an unfair question and your objection is noted.	13		MS. GRIGSBY: I mean, now we're
14		This is a deposition and you can't have speaking	14		speculating about a conversation that never
15		objections to coach him about how to answer,	15		occurred and what he would do in response to it.
16		okay? It's not proper.	16		I think we're way far beyond responding to your
17		MS. GRIGSBY: I think the question is	17		hypothetical. Now we're hypothetical, upon
18		not proper.	18		hypothetical, upon hypothetical and I think it's
19		MR. BELAZIS: Well, that's fine and you	19		improper.
20		object, and then it's on the transcript and then	20		BY MR. BELAZIS;
21		the court can deal with it, okay? That's how we	21	Q	Okay.
22		do these things.	22	Α	Again, I'd go back and talk to the individual.
23		THE WITNESS: But it never happened.	23	Q	And for what purpose?
24		MR. BELAZIS: That's fine, I understand	24	Α	Probably, you know, just about their health
25		you think it never happened.	25		issues.
		Page 54			Page 56
1		BY MR. BELAZIS:	1	Q	You want to find out more, right?
2					
2	Q	Now, can you answer the question?	2	À	No, I would tell them "Do you have a health
3	Q A	Now, can you answer the question? No, not if it never happened, because you're	2 3		No, I would tell them "Do you have a health issue?" I'd ask them.
			1		
3		No, not if it never happened, because you're	3	A	issue?" I'd ask them.
3 4		No, not if it never happened, because you're putting me in a position where I'm going to give	3 4	A	issue?" I'd ask them. And assuming they said, "Yes, I have a health
3 4 5	A	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation	3 4 5	A	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to
3 4 5 6		No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's	3 4 5 6	A Q	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?"
3 4 5 6 7	A Q A	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking.	3 4 5 6 7	A Q	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual
3 4 5 6 7 8	A Q	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking not reality.	3 4 5 6 7 8	A Q A	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual would tell me that prior to my going and asking
3 4 5 6 7 8 9	A Q A	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking not reality. That's what I'm asking for. I'm asking for your	3 4 5 6 7 8 9	A Q	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual would tell me that prior to my going and asking them. Okay. And if they did that, then what?
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3 4 5 6 7 8 9 10	A Q A Q A	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking not reality. That's what I'm asking for. I'm asking for your textbook answer, how would you deal with that situation? I'd investigate it.	3 4 5 6 7 8 9 10	A Q A	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual would tell me that prior to my going and asking them. Okay. And if they did that, then what? I would think that that would happen in the confines of my office and in a one-on-one
3 4 5 6 7 8 9 10 11	Q A Q	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking not reality. That's what I'm asking for. I'm asking for your textbook answer, how would you deal with that situation?	3 4 5 6 7 8 9 10 11	A Q A	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual would tell me that prior to my going and asking them. Okay. And if they did that, then what? I would think that that would happen in the
3 4 5 6 7 8 9 10 11 12 13	A Q A Q A	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking not reality. That's what I'm asking for. I'm asking for your textbook answer, how would you deal with that situation? I'd investigate it. And if you concluded that, in fact, it was not	3 4 5 6 7 8 9 10 11 12 13	A Q A	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual would tell me that prior to my going and asking them. Okay. And if they did that, then what? I would think that that would happen in the confines of my office and in a one-on-one meeting.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q	No, not if it never happened, because you're putting me in a position where I'm going to give you some sort of textbook answer in a situation that's That's what I'm asking not reality. That's what I'm asking for. I'm asking for your textbook answer, how would you deal with that situation? I'd investigate it. And if you concluded that, in fact, it was not sleeping it was not a case involving sleeping and it was simply an individual resting their eyes because of an eye problem, then what would be an appropriate response? I think you're leading me in the answer. Well, the answer would be well, maybe I am, so let me ask the next question. Would it be reasonable to advise those	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A	issue?" I'd ask them. And assuming they said, "Yes, I have a health issue, I have an eye problem that causes me to close my eyes for a few minutes each day?" I would think that at some point that individual would tell me that prior to my going and asking them. Okay. And if they did that, then what? I would think that that would happen in the confines of my office and in a one-on-one meeting. Okay. And then assuming that happened, then what? That would be it. Okay. And then would that be the end of it? That would be it. Okay. That would be it. Okay. So much for speculative questions and

14 (Pages 53 to 56)

		Page 57			Page 59
1		BY MR. BELAZIS:	1		BY MR. BELAZIS:
2	. Q	Okay. Let's move on to lighter subjects, like	2	Q	Okay. Would it be fair to say that the members
3		disciplinary actions. By the way, were you	3	~	of the Teacher's Union, at least many of them,
4		involved in the well, obviously you were	4		were not happy with the Board or the
5		involved in the strike, the teacher's strike that	5		Administration?
6		occurred in 2006, 5, 6?	6		MS. GRIGSBY: Objection.
7	Α	I do not know the exact date, but I was Principal	7	Α	I wasn't part of the union to know what their
8		at the time.	8		conversations were.
9	· Q	Okay. And it was pretty ugly, wasn't it?	9		BY MR. BELAZIS:
10	À	It depends which side you were on.	10	Q	Do you know whether the Teacher's Union felt any
11	Q	Well, it was unpleasant for both sides?	11	•	animosity towards Carol Smith as a result of her
12	À	Yes, it was unpleasant, but we ran the school	12		son's involvement as President of the Board or
13		very effectively, I think, given the	13		just as a member of the School Board?
14		circumstances.	14		MS. GRIGSBY: Objection.
15	Q	It was extremely contentious; would that be fair?	15	Α	I don't I did not meet with the strikers at
16	Ă	By the strikers and I think some of the	16		that time and I don't know what their feelings
17	11	community.	17		were.
18	Q	The strike, the teachers that were striking were	18		BY MR. BELAZIS:
19	~	contentious, is that what you meant, in other	19	Q	Were you aware that Ms. Smith's daughter and
20		words, they were angry?	20	•	husband crossed the picket line and went into the
21	Α	Looking from the outside or inside outside I	21		school to assist with the ongoing operations of
22		saw them striking, but I did not have any	22		the school during the strike?
23		communication with them during the time.	23	Α	Who would that be?
24	Q	But I said, "Was it contentious?" and you said,	24	Q	Roslyn. Do you know Roslyn?
25	V	"For the teachers, it was," I think that's what	25	Ā	Did she come into the high school?
		Page 58			Page 60
1		-			
1		you said a moment ago?	1		MS. GRIGSBY: Objection. Answer the
2	A	Because of the strike, anytime because of the	2		question, if you can, if you don't know
3		strike I think there would be some contentious,	3	^	BY MR. BELAZIS:
4	0	yes.	4	Q	I'm just asking.
5	Q	Okay. Strikes are always always generate or	5	A	No, I'm not aware. I don't recall.
6		at least typically would be expected to generate,	6	Q	Okay. Would it be fair to say, that if that were
7		anger?	7		the case, that that kind of action on her part
8	A	I've only been involved in one.	8		might be viewed negatively by those who were
9	Q	At least in that instance it appeared to generate	9		striking?
10		anger amongst those who were striking?	10		MS. GRIGSBY: Objection.
11	Α	Everybody has their reasons. I don't know what	11	Α	I think any time a picket line is crossed there
12		exactly, you know, some of the individual ones	12		might be some who view it negatively.
13	_	Were,	13	~	BY MR. BELAZIS:
14	Q	At that time Carol Smith's son was School Board	14	Q	And if striking teachers were yelling profanities
15		President during the strike?	15		at Ms. Smith's daughter during that period of
16	Α	I know he was on the Board, I don't know if he	16		time, that might support the idea that she was
17	_	was President or not. I don't recall.	17		viewed as having the action was viewed
18	Q	All right. And the strikers were	18		negatively?
19		MR. BELAZIS: I'm sorry, strike that.	19		MS. GRIGSBY: Objection. By particular
20		Strike that question about the strike.	20		individuals or?
		BY MR. BELAZIS:	21		MR. BELAZIS: Those who were yelling
21		The Board took a pretty hard position against the	22		profanities on the picket line.
21 22	Q				
21 22 23	Q	union?	23	Α	I think people who yell profanities sometimes do
21 22	Q A	union? MS. GRIGSBY: Objection. I was not involved in the negotiations.	23 24 25	A	I think people who yell profanities sometimes do so in anger. BY MR, BELAZIS:

15 (Pages 57 to 60)

		Page 61			Page 63
1	Q	Okay. Did you ever become familiar with or aware	1	Q	More than ten?
2 .		of the "Wall of Shame" over at the Union Hall?	2	À	Ten would be again, I don't recall.
3		Does that ring any bells?	3	Q	Okay. But that was the only instance that you
4	Α	No.	4		recall?
5	Q	A picture of Roslyn up on the "Wall of Shame?"	5	Α	I've attended I recall going to a place south
	A	Unaware.	6		of Cleveland and taking, I believe it was very
7	Q	A picture of her son up on the "Wall of Shame?"	7		similar to that, a workshop for a day.
	Á	Unaware. I never went to the Union Hall.	8	Q	Okay. And a workshop dealing with Equal
9	Q	That might also suggest negative feelings on the	9		Employment Opportunity issues?
10		part of the strikers toward Carol's family?	10	Α	Yes.
11	Α	I never went there.	11	Q	And that was while you were Principal?
12	Q	All right. How many years were you in	12	À	Yes.
13	_	administration at the high school?	13	Q	But you don't recall any policy that is
14	Α	15.	14	,	implemented and in place at the Perkins School
15	Q	Okay. And during that 15-year period, was any	15		District?
16	-	tenure faculty member terminated, other than	16	Α	I don't recall any specific policy.
17		Carol Smith; that you can recall?	17	Q	Any written procedures?
18	A	I don't recall.	18	À	I would have to look at Board policy.
19	Q	You don't recall any, other than Carol, right?	19		MR. BELAZIS: Just off the record.
	À	Correct. Not at the high school, I'm not aware	20		THEREUPON, there was a discussion off the
21		of any others.	21		record.
22	Q	That's all I was asking you about. Well, let me	22		THEREUPON, Plaintiff's Exhibit 3 was marked for
23	•	take it a step further. Were you aware of any at	23		identification.
24		the junior high?	24		BY MR. BELAZIS:
25	Α	I don't recall any.	25	Q	You've been handed what's marked as Plaintiff's
		Page 62			Page 64
1	Q	Did the District have an EEO policy? Do you know	1		Exhibit 3. Have you seen that before?
2		what I mean by that, Equal Employment Opportunity	2	Α	Yes, I believe I saw it in review.
3		policy?	3	Q	And that is, it's actually two different pieces
3					
	A	I would imagine that they would. I'm not	4		of related correspondence, right?
	A	I would imagine that they would. I'm not familiar with	5	A	of related correspondence, right? Yes.
4 . 5	A Q	- ,	1		- · · · ·
4 . 5		familiar with	5	A	Yes.
4 5 6 7		familiar with You're not familiar with if it does exist,	5 6	A	Yes. Related to a disciplinary action that was taken
4 5 6 7 8	Q	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues?	5 6 7	A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she
4 5 6 7 8	Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists.	5 6 7 8	A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right?
4 5 6 7 8	Q A Q	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that.	5 6 7 8 9	A Q A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she
4 5 6 7 8 9 10	Q A Q	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before	5 6 7 8 9	A Q A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she
4 5 6 7 8 9 10 11	Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that.	5 6 7 8 9 10 11	A Q A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom
4 5 6 7 8 9 10 11 12	Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity.	5 6 7 8 9 10 11 12	A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right?
4 5 6 7 8 9 10 11 12	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races?	5 6 7 8 9 10 11 12 13	A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes.
4 5 6 7 8 9 10 11 12 13	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would	5 6 7 8 9 10 11 12 13	A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the
4 5 6 7 8 9 10 11 12 13 14	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that	5 6 7 8 9 10 11 12 13 14	A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time?
4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that it conforms with the Equal Opportunities Laws of	5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time? After the fact, yes.
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q A Q	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that it conforms with the Equal Opportunities Laws of the State and Federal Government? Yes. When was that?	5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time? After the fact, yes. By after the fact, what do you mean?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that it conforms with the Equal Opportunities Laws of the State and Federal Government? Yes.	5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time? After the fact, yes. By after the fact, what do you mean? After these were sent out.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that it conforms with the Equal Opportunities Laws of the State and Federal Government? Yes. When was that?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time? After the fact, yes. By after the fact, what do you mean? After these were sent out. Okay. Soon after?
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that it conforms with the Equal Opportunities Laws of the State and Federal Government? Yes. When was that? We had it during one of our in-services before school one year, I don't recall the date.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time? After the fact, yes. By after the fact, what do you mean? After these were sent out. Okay. Soon after? I don't recall the exact date. Was it a matter of a year or was it a matter of a
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q	familiar with You're not familiar with if it does exist, you're not familiar with it? No, I'm not familiar if it exists. Ever received any training on EEO issues? I'd ask for an explanation of what EEO is before I answer that. Equal Employment Opportunity. So quality amongst gender, races? Treatment of employees in a policy that would ensure that employees were treated in a way that it conforms with the Equal Opportunities Laws of the State and Federal Government? Yes. When was that? We had it during one of our in-services before school one year, I don't recall the date. Do you recall roughly how many years ago?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q	Yes. Related to a disciplinary action that was taken against Mrs. Smith by Principal Finn while she was assigned to the middle school, right? It appears to be, yes. And the allegations relate to whether or not she was sleeping on several occasions in a classroom or choir room; is that right? Yes. And I take it you became aware of this at the time? After the fact, yes. By after the fact, what do you mean? After these were sent out. Okay. Soon after? I don't recall the exact date. Was it a matter of a year or was it a matter of a couple

16 (Pages 61 to 64)

		Page 65			Page 67
1	Q	How would you have found if not before?	1		previously, some not, right?
2	-	MS. GRIGSBY: If not earlier?	2	Α	No, I don't recall having seen any correspondence
3		THE WITNESS: If not earlier, yes.	3		from such as this before. I don't recall.
4		BY MR. BELAZIS;	4	Q	Okay. In other words, the correspondence from
5	Q	And how did you become aware of them?	5		Mr. Zraik you had not previously seen?
6	A	I would imagine maybe through conversation with	6	Α	That's correct.
7		Mr. Finn.	7	Q	Did you become aware that it had been sent by
8	Q	And these also went to the Superintendent; is	8		Mr. Zraik?
9		that right?	9	Α	Not this particular correspondence, no.
10	Α	Yes.	10	Q	Well, what do you mean by that?
11	Q	At any point, after you became aware of these,	11	Α	I've never seen these before, these documents.
12		did you bring to the Superintendent's attention	12	Q	I get that. But what I'm my question was
13		the fact that or the Assistant Principal	13		whether you became aware at the time that there
14		Finn's attention, that Carol Smith had an eye	14		had been correspondence sent by, on behalf of
15		problem that may be causing her to close her	15		Mrs. Smith, requesting accommodations?
16		eyes?	16	Α	I don't recall.
17	Α	I don't recall.	17	Q	Did anyone make you aware that the Superintendent
18	Q	You don't recall having done that or you don't	18		had agreed to provide certain accommodations for
19		recall whether you did?	19		Mrs. Smith?
20	Α	I don't recall having done that.	20	Α	Could you repeat that, sir?
21	Q	Does that mean you don't know one way or the	21		MR. BELAZIS: Could you read it back,
22		other, or are you saying that you didn't do it,	22		please?
23		period?	23		THEREUPON, the Reporter read the requested
24	Α	I don't know one way or the other whether I did	24		portion of the record.
25		or not.	25		BY MR. BELAZIS:
		Page 66			
		raye 00			Page 68
1		-	1	A	_
1 2		THEREUPON, Plaintiff's Exhibit 4 was marked for identification.	1 2	A Q	I believe so, I don't recall at what time.
		THEREUPON, Plaintiff's Exhibit 4 was marked for	i		I believe so, I don't recall at what time. Had you previously seen the letter, dated
2		THEREUPON, Plaintiff's Exhibit 4 was marked for identification.	2		I believe so, I don't recall at what time. Had you previously seen the letter, dated November 18, 2008 from Superintendent Gunner,
2 3		THEREUPON, Plaintiff's Exhibit 4 was marked for identification. MS. GRIGSBY: So this is like a composite No. 4.	2 3		I believe so, I don't recall at what time. Had you previously seen the letter, dated
2 3 4		THEREUPON, Plaintiff's Exhibit 4 was marked for identification. MS. GRIGSBY: So this is like a composite No. 4. MR. BELAZIS: Yes. I tried to group	2 3 4	Q A	I believe so, I don't recall at what time. Had you previously seen the letter, dated November 18, 2008 from Superintendent Gunner, that's attached as part of this exhibit? I don't recall.
2 3 4 5		THEREUPON, Plaintiff's Exhibit 4 was marked for identification. MS. GRIGSBY: So this is like a composite No. 4. MR. BELAZIS: Yes. I tried to group the documents together that were related to the	2 3 4 5	Q	I believe so, I don't recall at what time. Had you previously seen the letter, dated November 18, 2008 from Superintendent Gunner, that's attached as part of this exhibit?
2 3 4 5 6		THEREUPON, Plaintiff's Exhibit 4 was marked for identification. MS. GRIGSBY: So this is like a composite No. 4. MR. BELAZIS: Yes. I tried to group	2 3 4 5 6	Q A Q A	I believe so, I don't recall at what time. Had you previously seen the letter, dated November 18, 2008 from Superintendent Gunner, that's attached as part of this exhibit? I don't recall. You don't recall having seen it? No.
2 3 4 5 6 7		THEREUPON, Plaintiff's Exhibit 4 was marked for identification. MS. GRIGSBY: So this is like a composite No. 4. MR. BELAZIS: Yes. I tried to group the documents together that were related to the same disciplinary action; if that's all right? MS. GRIGSBY: Yes.	2 3 4 5 6 7	Q A Q	I believe so, I don't recall at what time. Had you previously seen the letter, dated November 18, 2008 from Superintendent Gunner, that's attached as part of this exhibit? I don't recall. You don't recall having seen it? No. All right. Did you get anything in writing to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A	THEREUPON, Plaintiff's Exhibit 4 was marked for identification. MS. GRIGSBY: So this is like a composite No. 4. MR. BELAZIS: Yes. I tried to group the documents together that were related to the same disciplinary action; if that's all right? MS. GRIGSBY: Yes. BY MR. BELAZIS: Okay. I didn't read the first couple of pages, but I looked. You mean, today you mean? No, I've never seen Oh, I see some of this. Okay. So let's just take them one at a time. You've been handed what's been marked as Plaintiff's Exhibit No. 4. And we can all agree today that these are that these reflect correspondence from an attorney representing	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q A Q	I believe so, I don't recall at what time. Had you previously seen the letter, dated November 18, 2008 from Superintendent Gunner, that's attached as part of this exhibit? I don't recall. You don't recall having seen it? No. All right. Did you get anything in writing to outline to you what job accommodations the Superintendent had agreed to provide? I don't recall. You don't recall having received any? No. And you don't recall how, if at all, you found out about the accommodations that were agreed to by Mr. Gunner? No. Did you provide or make arrangements for Mrs. Smith to be able to access the, either the nurse's clinic or the bathroom in the nurse's clinic to take insulin injections?

17 (Pages 65 to 68)

		Page 69			Page 71
1	Q	And that would be 701?	1	Q	You continued to be her, Carol Smith's,
2 .	À	701 was her classroom, yes. And the 700 wing	2	_	supervisor during the time that she was half-time
3		also had a bathroom that was locked except for	3		at the middle school and half-time at the high
4		faculty.	4		school?
5	Q	Okay. And that key was provided during the	5	Α	Until 2011, yes.
6		2009-2010 school year?	6	Q	Okay. And if a faculty person is shared well,
7	Α	I don't recall when the year was.	7		let me ask you this.
8	Q	You just don't recall one way or the other? You	8		Was Mrs. Smith, at all times during
9		know you provided it, but you don't know when?	9		your tenure as high school Principal, assigned
10	Α	Yes.	10		principally to the high school?
11	Q	Okay. Do you recall when Carol was out having	11		MS. GRIGSBY: I'm sorry, can you
12		bariatric surgery?	12		restate that?
13	Α	No, I do not.	13	Α	Was she assigned
14	Q	Well, maybe I didn't ask the question right.	14		BY MR. BELAZIS:
15		Do you recall that Carol was out having	15	Q	To the high school.
16		bariatric surgery at some point?	16	Α	all times during my tenure? There was a year
17	Α	No, I do not.	17		when she was half and half.
18	Q	Do you recall that she had any kind of a surgery	18	Q	Okay. So if a faculty person is half and half,
19		in order to help her reduce her weight?	19		how is the evaluation process supposed to unfold?
20	Α	No.	20	Α	We make an arrangement between principals.
21		THEREUPON, Plaintiff's Exhibit 5 was marked for	21	Q	What does that mean?
22		identification.	22	Α	Since she's at your building you can do her
23		BY MR. BELAZIS:	23		evaluation.
24	Q	Okay. You've been handed what's been marked as	24	Q	Would you both provide input into the evaluation?
25		Exhibit 5. Have you seen that before?	25	A	No.
			1		
		Page 70			Page 72
1	A	Page 70 I don't recall seeing it.	1	Q	Page 72 So I guess I wasn't clear on what you were
1 2	A Q	I don't recall seeing it.	1 2	Q	
			1	Q	So I guess I wasn't clear on what you were
2		I don't recall seeing it. There are two pieces or correspondence related to	2	Q	So I guess I wasn't clear on what you were saying. Would you simply take responsibility for
2 3		I don't recall seeing it. There are two pieces or correspondence related to discipline at the middle school related to the	2 3	Q	So I guess I wasn't clear on what you were saying. Would you simply take responsibility for doing the evaluation, even though she was
2 3 4	Q	I don't recall seeing it. There are two pieces or correspondence related to discipline at the middle school related to the issue of failing to supervise students, right?	2 3 4		So I guess I wasn't clear on what you were saying. Would you simply take responsibility for doing the evaluation, even though she was half-time at someone else's building?
2 3 4 5	Q A	I don't recall seeing it. There are two pieces or correspondence related to discipline at the middle school related to the issue of failing to supervise students, right? Yes.	2 3 4 5		So I guess I wasn't clear on what you were saying. Would you simply take responsibility for doing the evaluation, even though she was half-time at someone clse's building? We would determine as a Principal team who was
2 3 4 5 6	Q A Q	I don't recall seeing it. There are two pieces or correspondence related to discipline at the middle school related to the issue of failing to supervise students, right? Yes. Do you know what this relates to?	2 3 4 5 6	A	So I guess I wasn't clear on what you were saying. Would you simply take responsibility for doing the evaluation, even though she was half-time at someone else's building? We would determine as a Principal team who was going to do the evaluation.
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18 (Pages 69 to 72)

		Page 73			Page 75
1		BY MR. BELAZIS:	1		following school year.
2 .	Q	You've been handed what has been marked	2	Q	Okay. What in particular did you and Dr. Gunner
3		Plaintiff's Exhibits 6 through 9, and if you can	3		determine had been she had done or not done, I
4		identify them?	4		mean, in the end? I know there was some
5		MS. GRIGSBY: Perhaps take them one and	5		allegations in the beginning
6		in order.	6	Α	Right.
7	Α	6, 7, 8, 9.	7	Q	some of them were pushed off the table, I
8		BY MR. BELAZIS:	8		think, right? So what was the final
9	Q	Okay. Well, let's just take them one at a time.	9		determination as to what she had done or not
10		9 is correspondence that you sent to Mrs. Smith	10		done?
11		giving her certain instructions related to	11	Α	Sleeping in class.
12		getting up-to-speed in advance of her teaching	12	Q	Okay. And can you be more specific about that?
13		Social Studies at the middle school; is that	13	Α	Sleeping in Mr. McVeigh's class.
14		correct?	14	Q	And can you provide any more detail?
15	Λ	Yes.	15	Α	During a video
16	Q	And	16	Q	All right.
17	A	Excuse me. At the middle school?	17	Α	and at other times, as I understood it, during
18	Q	I'm sorry, at the high school.	18		his classroom where she was assigned that day to
19	Α	Yes, at the high school. This is sent out at the	19		observe him teaching Social Studies so she could
20		end of one year for the next year.	20		prepare for the following year.
21	Q	And then 8 is correspondence that you sent I'm	21	Q	Okay. And you got that information from
22		sorry. 6 is correspondence that you sent asking	22		Mr. McVeigh?
23		for a disciplinary conference related to the	23	Α	Yes.
24		instructions that you had given Mrs. Smith in the	24	Q	Did you have a conference with Mrs. Smith about
25		June 1, 2009 correspondence that's marked as	25		it?
		Page 74			Page 76
1		Exhibit 9; is that right?	1	Α	I don't recall.
2	Α	Yes. 6. That was 9.	2	Q	Okay. So, in other words, in advance of the
2 3	A Q	Yes. 6. That was 9. So Exhibit 6 was your correspondence that was	3	Q	disciplinary action that was taken, as reflected
		So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of	I	Q	
3		So Exhibit 6 was your correspondence that was	3	Q	disciplinary action that was taken, as reflected
3 4		So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of	3 4	Q A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall
3 4 5	Q	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009?	3 4 5		disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if
3 4 5 6	Q A	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct.	3 4 5 6	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not.
3 4 5 6 7	Q A	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you	3 4 5 6 7	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred?
3 4 5 6 7 8	Q A	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes.	3 4 5 6 7 8	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note
3 4 5 6 7 8 9	Q A Q	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes. Reflecting the results of your investigation of	3 4 5 6 7 8 9	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note that the record, or Exhibit 8 does reflect that a
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3 4 5 6 7 8 9 10	Q A Q	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes. Reflecting the results of your investigation of	3 4 5 6 7 8 9 10 11 12 13	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note that the record, or Exhibit 8 does reflect that a disciplinary conference MR. BELAZIS: You are, you're giving a
3 4 5 6 7 8 9 10 11 12 13	Q A Q A Q	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes. Reflecting the results of your investigation of some of the charges that had been brought up in Exhibit 6, right? Yes.	3 4 5 6 7 8 9 10 11 12 13 14	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note that the record, or Exhibit 8 does reflect that a disciplinary conference MR. BELAZIS: You are, you're giving a speaking objection again and all I want to
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A A	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes. Reflecting the results of your investigation of some of the charges that had been brought up in Exhibit 6, right? Yes. And then 8, Exhibit 8 is correspondence from Dr. Gunner imposing certain discipline associated with these incidents that are the subject that we just went over, right? Yes. And, in essence, why don't you tell me your understanding what the discipline was that was imposed and why?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note that the record, or Exhibit 8 does reflect that a disciplinary conference MR. BELAZIS: You are, you're giving a speaking objection again and all I want to know MS. GRIGSBY: No, I just want the MR. BELAZIS: all I want to know is what his memory is, and that's all I asked. THE WITNESS: You're asking me if, prior to June 19th, I had any conversation with her or had any communication with her; is that correct?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A A	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes. Reflecting the results of your investigation of some of the charges that had been brought up in Exhibit 6, right? Yes. And then 8, Exhibit 8 is correspondence from Dr. Gunner imposing certain discipline associated with these incidents that are the subject that we just went over, right? Yes. And, in essence, why don't you tell me your understanding what the discipline was that was imposed and why? It was the result of Mrs. Smith's failure to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note that the record, or Exhibit 8 does reflect that a disciplinary conference MR. BELAZIS: You are, you're giving a speaking objection again and all I want to know MS. GRIGSBY: No, I just want the MR. BELAZIS: all I want to know is what his memory is, and that's all I asked. THE WITNESS: You're asking me if, prior to June 19th, I had any conversation with her or had any communication with her; is that correct? MS. GRIGSBY: Yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q	So Exhibit 6 was your correspondence that was sent to Mrs. Smith after your correspondence of June 1, 2009? Correct. And then 7 is follow-up correspondence that you sent to Mrs. Smith under Mr. Gunner's signature, right? Yes. Reflecting the results of your investigation of some of the charges that had been brought up in Exhibit 6, right? Yes. And then 8, Exhibit 8 is correspondence from Dr. Gunner imposing certain discipline associated with these incidents that are the subject that we just went over, right? Yes. And, in essence, why don't you tell me your understanding what the discipline was that was imposed and why?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A	disciplinary action that was taken, as reflected in Plaintiff's Exhibit 8, you don't recall whether you had a conference with her? I do not. And thus, I take it, you don't recall what, if anything, would have been discussed during any such conference had it occurred? MS. GRIGSBY: I'm just going to note that the record, or Exhibit 8 does reflect that a disciplinary conference MR. BELAZIS: You are, you're giving a speaking objection again and all I want to know MS. GRIGSBY: No, I just want the MR. BELAZIS: all I want to know is what his memory is, and that's all I asked. THE WITNESS: You're asking me if, prior to June 19th, I had any conversation with her or had any communication with her; is that correct?

19 (Pages 73 to 76)

		Page 77			Page 79
1		discuss	1		My earlier question had to do with your memory of
2	· A	Exhibit 7.	2		it.
3	Q	I'm just asking you what your recollection is of	3		THE WITNESS: Okay.
4		a conference with Mrs. Smith in advance of the	4		MR. BELAZIS: And I think we went
5		time that the disciplinary action was imposed, as	5		through that.
6		reflected in Exhibit 8, and I think your answer	6		THE WITNESS: Okay.
7		was that you don't recall?	7		MR. BELAZIS: All right. So I'm done
8	Α	I was gone at that time, out of the District.	8		with these. Give these to the Court Reporter.
9	Q	Okay. So I think you've already answered this.	9		BY MR. BELAZIS:
10		And I'm not trying to trick you, I just want to	10	Q	Mr. Gasteler, one of the exhibits I showed you
11		know what your memory is. If I understand what	11		earlier, Exhibit 8, dated June 19, 2009, refers
12		you said, we already know that there was	12		to the, apparently the termination made by
13		disciplinary action taken as reflected in Exhibit	13		Mr. Gunner that he was going to direct Mrs. Smith
14		A, right?	14		before returning to work, after being suspended
15	Α	Yes.	15		for ten days, requiring her to undergo a physical
16	Q	I asked you earlier if you recall whether you had	16		and mental capacity examination; in other words,
17		a conference with Mrs. Smith, regardless of what	17		a Fitness For Duty Exam; do you see that?
18		the other correspondence might say. My question	18	Α	Yes.
19		is, if you recall whether you had a conference	19	Q	Do you recall discussing that with Dr. Gunner?
20		with Mrs. Smith to discuss the discipline prior	20	Α	Only that she was
21		to the time that Exhibit 8 was issued? I think	21	Q	Going to be directed to do that?
22		your answer was you didn't recall. Fair enough?	22	Α	Yes.
23		Is that accurate?	23	Q	Okay.
24	Α	Yes.	24		///
25	Q	Okay. At any point, prior to the issuance of	25		///
		Page 78			Page 80
1		Dr. Gunner's June 19, 2009 letter, reflected in	1		THEREUPON, Plaintiff's Exhibits 10 was marked
2		Exhibit 8, did you bring to his attention that	2		for identification?
3		Carol Smith had advised you of an eye problem	3		BY MR. BELAZIS:
4		that caused her to close her eyes in order to	4	Q	You've been handed what's marked as Plaintiff's
5		rest them?	5		Exhibit 10, which includes a letter dated
6	Α	At any time?	6		June 19, 2009, and another letter dated July 8,
7		MR. BELAZIS: You want to read it back,	7		2009, both from Mr. Gunner to Mrs. Smith,
8		please.	8		correct?
9		THEREUPON, the Reporter read the requested	9	Α	Yes,
		portion of the record.	10	Q	And you've seen these before?
10				•	
10 11	Α	I don't recall.	11	À	Yes.
	A	I don't recall. THE WITNESS: Can I go back to a	11 12		Yes. You were copied on both of them, correct?
11	A		1	A	
11 12	A	THE WITNESS: Can I go back to a	12	A Q	You were copied on both of them, correct?
11 12 13	A	THE WITNESS: Can I go back to a previous statement?	12 13	A Q A	You were copied on both of them, correct? Yes.
11 12 13 14	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct	12 13 14	A Q A	You were copied on both of them, correct? Yes. All right. And these arise from allegations that
11 12 13 14 15	Α	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead.	12 13 14 15	A Q A	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology
11 12 13 14 15 16	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the	12 13 14 15 16	A Q A	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th,
11 12 13 14 15 16 17	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the presentation, that's why I had these dated over	12 13 14 15 16 17	A Q A Q	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th, right?
11 12 13 14 15 16 17	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the presentation, that's why I had these dated over here. If I answered that I did not recall the	12 13 14 15 16 17 18	A Q A Q	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th, right? Yes.
11 12 13 14 15 16 17 18	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the presentation, that's why I had these dated over here. If I answered that I did not recall the conference, obviously there's a disciplinary	12 13 14 15 16 17 18 19	A Q A Q	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th, right? Yes. Were you involved at all in the investigation of
11 12 13 14 15 16 17 18 19 20	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the presentation, that's why I had these dated over here. If I answered that I did not recall the conference, obviously there's a disciplinary conference that was here on Exhibit 6.	12 13 14 15 16 17 18 19 20	A Q A Q	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th, right? Yes. Were you involved at all in the investigation of this?
11 12 13 14 15 16 17 18 19 20 21	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the presentation, that's why I had these dated over here. If I answered that I did not recall the conference, obviously there's a disciplinary conference that was here on Exhibit 6. MR. BELAZIS: Yes. I think we've noted	12 13 14 15 16 17 18 19 20 21	A Q A Q	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th, right? Yes. Were you involved at all in the investigation of this? No. I believe I was still on vacation.
11 12 13 14 15 16 17 18 19 20 21 22	A	THE WITNESS: Can I go back to a previous statement? MS. GRIGSBY: If you need to correct something, go ahead. THE WITNESS: I'm confused by the presentation, that's why I had these dated over here. If I answered that I did not recall the conference, obviously there's a disciplinary conference that was here on Exhibit 6. MR. BELAZIS: Yes. I think we've noted for the record that there is a correspondence.	12 13 14 15 16 17 18 19 20 21 22	A Q A Q	You were copied on both of them, correct? Yes. All right. And these arise from allegations that Mrs. Smith was sleeping during a technology training that she attended on June 16th and 17th, right? Yes. Were you involved at all in the investigation of this? No. I believe I was still on vacation. Did you discuss this with Mr or Dr. Gunner

20 (Pages 77 to 80)

		Page 81			Page 83
1		already been issued?	1		after class to meet with Mr. McVeigh and
2	Α	That I can't recall, but at least by the July 8th	2		Mr. Bores to discuss performance indicators and
3		I was back, yes.	3		other relevant materials for preparation to teach
4	Q	At any point, either before or after these	4		Social Studies, right?
5		letters were issued, did you advise Mr. Gunner or	5	Α	Yes.
6		anyone else that Mrs. Smith suffered from an eye	6	Q	Basically that was the charge of insubordination,
7		problem that caused her to close her eyes in	7		right? She didn't follow your instructions;
8		order to rest them?	8		would that be fair?
9	Α	I don't recall.	9	Α	Not following instructions is not always grounds
10	Q	Going back to what was previously marked as	10		for insubordination, I think it would be lax not
11	-	Plaintiff's Exhibit 8. On the first page toward	11		to have done so.
12		the bottom, as I noted previously, this is a	12	Q	Okay. Did you ever inquire as to whether or not,
13		letter from Dr. Gunner, right?	13		because Mr. McVeigh and Mr. Bores got copies of
14	A	Yes.	14		this correspondence
15	Q	And towards the bottom of the first page,	15	Α	I'm sorry, got what?
16	_	Dr. Gunner notes, "You claim that you have 80	16	Q	Mr. McVeigh and Mr. Bores
17		percent of blindness in your right eye and you	17	Α	Got copies of this.
18		are simply resting your eyes and totally aware of	18	Q	received copies of this?
19		all class activities during the time in	19	A	Yes.
20		question." Do you see that?	20	Q	And they were aware of what you wanted all of
21	Α	Yes, I do.	21	-	them to do, including Carol, Mr. McVeigh, and
22	Q	I may have already asked you this, but either	22		Mr. Bores, right? There are certain specific
23	`	before or after this letter, Plaintiff's	23		things that you had directed them to do?
24		Exhibit 8, was issued by Dr. Gunner, did you	24	Α	Yes.
25		discuss with him that the question of	25	Q	And that included staying after class and
		Page 82			Page 84
		-			·
1		Mrs. Smith's eye problem causing her to need to	1		providing certain instructions to Mrs. Smith
2		rest her eyes?	2		related to Social Studies, right?
3	Α	I don't recall. I know it's here and I know it's	3	A	Yes.
4		dated, but I don't recall.	4	Q	And that didn't happen?
5	Q	And you don't recall whether you brought to his	5	A	That's correct.
6		attention that she had informed you of the same	6	Q	Did you ever inquire as to the reason?
7		thing earlier, right? In other words, you don't	7	Α	From any of them or from Mrs. Smith, or?
8		recall one way or the other?	8	Q	From any of them.
9	A	That she had informed me of the same thing?	9	Α	I do not recall doing so.
10	Q	Well, did you either before or after the issuance	10	Q	And I take it that you did not issue any
11		of Exhibit 8, the June 19, 2009 letter, advise	11		discipline of any kind against Mr. McVeigh or
		Dr. Gunner that Carol Smith had also told you,	12		Mr. Bores based on their failure to stay after
12					class and work with Carol Smith on the Social
13		sometime during the 2007-2008 school year, that	13		
13 14		she suffered from an eye problem that caused her	14		Studies issues that you had outlined in your
13 14 15		she suffered from an eye problem that caused her to close her eyes to rest them?	14 15		Studies issues that you had outlined in your letter?
13 14 15 16	A	she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time.	14 15 16	A	Studies issues that you had outlined in your letter? It was their classrooms that they were in.
13 14 15 16 17	A Q	she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you	14 15 16 17	A Q	Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given
13 14 15 16 17 18		she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain	14 15 16 17 18		Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the
13 14 15 16 17 18		she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain instructions as to what she was to do to bring	14 15 16 17 18 19		Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the three of them were supposed to do in order to get
13 14 15 16 17 18 19		she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain instructions as to what she was to do to bring herself up to speed with the Social Studies.	14 15 16 17 18 19 20	Q	Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the three of them were supposed to do in order to get her ready to teach?
13 14 15 16 17 18 19 20 21	Q A	she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain instructions as to what she was to do to bring herself up to speed with the Social Studies. Yes.	14 15 16 17 18 19 20 21	Q A	Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the three of them were supposed to do in order to get her ready to teach? Yes.
13 14 15 16 17 18 19 20 21 22	Q	she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain instructions as to what she was to do to bring herself up to speed with the Social Studies. Yes. Did you ever take a look to see whether strike	14 15 16 17 18 19 20 21 22	Q A Q	Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the three of them were supposed to do in order to get her ready to teach? Yes. And that didn't happen?
13 14 15 16 17 18 19 20 21 22 23	Q A	she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain instructions as to what she was to do to bring herself up to speed with the Social Studies. Yes. Did you ever take a look to see whether strike that, let me ask it again.	14 15 16 17 18 19 20 21 22 23	Q A Q A	Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the three of them were supposed to do in order to get her ready to teach? Yes. And that didn't happen? She left the area.
13 14 15 16 17 18 19 20 21 22	Q A	she suffered from an eye problem that caused her to close her eyes to rest them? I do not recall any specific time. Just going back to Exhibit 9, the letter that you sent to Mrs. Smith giving her certain instructions as to what she was to do to bring herself up to speed with the Social Studies. Yes. Did you ever take a look to see whether strike	14 15 16 17 18 19 20 21 22	Q A Q	Studies issues that you had outlined in your letter? It was their classrooms that they were in. Well, I understand that. But you had given certain specific instructions about what the three of them were supposed to do in order to get her ready to teach? Yes. And that didn't happen?

21 (Pages 81 to 84)

		Page 85			Page 87
1	Q	So you remember that that's what they said?	1	Q	There were essentially three grounds that were
2	Α	I remember that they told me that she did not	2		articulated; is that correct? That's the basis
3		stay.	3		for the action that was going to be taken? And I
4	Q	And did you ask Carol?	4		think that they are outlined in the
5	Α	No, I did not.	5		correspondence dated April 13, 2010, which is
6	Q	And if Carol said that they refused, said they	6		part of this exhibit?
7		didn't want to stay and sent her home, then would	7	Α	On March 30th okay, yes. On April 13th, yes,
8		that be grounds for discipline against	8		I see those.
9		Mr. McVeigh?	9	Q	And that's consistent with your understanding of
10	Α	Part of it was during the day.	10		the grounds that were the basis for the
11	Q	I'm sorry?	11		District's action?
12	Α	Part of it was during the day, so they could not	12	Α	Yes.
13		have sent her home.	13	Q	Before any action was taken well, Mrs. Smith
14	Q	Well, maybe sent her home was the wrong term.	14		was immediately suspended from her duties; is
15		Sent her away.	15		that correct?
16	Α	I would hope that they would not have done that.	16	Α	As of March 29th.
17	Q	All right.	17	Q	Was she suspended with pay or without?
18		THEREUPON, there was a brief recess.	18	Α	I believe with pay.
19		THEREUPON, Plaintiff's Exhibit 11 was marked	19	Q	Okay. But she was relieved of her duties?
20		for identification.	20	Α	Yes.
21		BY MR. BELAZIS:	21	Q	As of March 29, 2010?
22	Q	You've been handed what's been marked as	22	Α	Yes.
23		Plaintiff's Exhibit 11. Have you had a chance to	23	Q	And then after that time you and Dr. Gunner
24		review it?	24		conducted an investigation; is that correct?
25	Α	Yes.	25	Α	Yes.
		Page 86			Page 88
1	Q	And this is a series of correspondence related to	1	Q	And your investigation consisted of interviewing
2		the sequence of the events that resulted in the	2		all of the students in her 5D Study Hall and
3		District's recommendation to terminate	3		fifth period History class; is that correct?
4		Ms. Smith's contract; is that correct?	4	Α	All but one.
5			5	~	
J	Α	Yes.	3	Q	All but one. And the one was her
6		Yes. And all of these letters are from Dr. Gunner?	6	Q A	All but one. And the one was her Grandson.
	A Q A		ł		
6	Q A	And all of these letters are from Dr. Gunner?	6	Α	Grandson,
6 7	Q	And all of these letters are from Dr. Gunner? Yes.	6 7	Α	Grandson grandson, is that right, because he was in
6 7 8	Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before?	6 7 8	A Q	Grandson grandson, is that right, because he was in that class?
6 7 8 9	Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes.	6 7 8 9	A Q	Grandson grandson, is that right, because he was in that class? Yes.
6 7 8 9 10	Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were	6 7 8 9 10	A Q	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a
6 7 8 9 10 11	Q A Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one.	6 7 8 9 10 11	A Q	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here.
6 7 8 9 10 11	Q A Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued?	6 7 8 9 10 11 12	A Q	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the
6 7 8 9 10 11 12	Q A Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay.	6 7 8 9 10 11 12 13	A Q	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record.
6 7 8 9 10 11 12 13	Q A Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two	6 7 8 9 10 11 12 13 14	A Q	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked
6 7 8 9 10 11 12 13 14 15	Q A Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the	6 7 8 9 10 11 12 13 14 15	A Q	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification.
6 7 8 9 10 11 12 13 14 15	Q A Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the copy list, or you didn't receive it on or about	6 7 8 9 10 11 12 13 14 15 16	A Q A	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification. BY MR. BELAZIS:
6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the copy list, or you didn't receive it on or about that time?	6 7 8 9 10 11 12 13 14 15 16 17	A Q A	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification. BY MR. BELAZIS: Let me first hand you what's been marked as
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6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the copy list, or you didn't receive it on or about that time? It does not appear on the copy list. Yes. But did you see this? Did you get it?	6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q A	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification. BY MR. BELAZIS: Let me first hand you what's been marked as Plaintiff's Exhibit 12. Those are notes from your investigations when you interviewed the
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the copy list, or you didn't receive it on or about that time? It does not appear on the copy list. Yes. But did you see this? Did you get it? I don't think I would have.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification. BY MR. BELAZIS: Let me first hand you what's been marked as Plaintiff's Exhibit 12. Those are notes from your investigations when you interviewed the students, right?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q A	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the copy list, or you didn't receive it on or about that time? It does not appear on the copy list. Yes. But did you see this? Did you get it? I don't think I would have. All right. You were aware that there was going	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A	Grandson grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification. BY MR. BELAZIS: Let me first hand you what's been marked as Plaintiff's Exhibit 12. Those are notes from your investigations when you interviewed the students, right? No.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q	And all of these letters are from Dr. Gunner? Yes. And I think you had seen them before? Yes. And you were copied on them when they were issued? Not the last one. Okay. The last two You're saying your name doesn't appear on the copy list, or you didn't receive it on or about that time? It does not appear on the copy list. Yes. But did you see this? Did you get it? I don't think I would have. All right. You were aware that there was going to be a recommendation to terminate	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A	Grandson, grandson, is that right, because he was in that class? Yes. MR. BELAZIS: Just off the record for a second here. THEREUPON, there was a discussion off the record. THEREUPON, Plaintiff's Exhibit 12 was marked for identification. BY MR. BELAZIS: Let me first hand you what's been marked as Plaintiff's Exhibit 12. Those are notes from your investigations when you interviewed the students, right? No. Well, the first page. Why don't you tell me what

22 (Pages 85 to 88)

		Page 89			Page 91
1	Q	Okay. Mrs. Martinez is who?	1		during all of the interviews, is that correct,
2	. A	She was a parapro at that time, someone who was	2		with the kids?
3		working one-on-one with a student.	3	Α	The two of us were not together during all the
4	Q	And she was approached by a couple of the	4		interviews. We were together for a portion of
5	_	students?	5		them and then he was gone for a period of time,
6	Α	I believe these two, yes.	6		which I finished up the remainder of the
7	Q	But not present on the day in question?	7		interviews.
8	À	Not present.	8	Q	Okay. And in connection with those interviews
9	Q	Well, how did she happen to fit into this, if at	9	-	did you take any notes?
10	_	all?	10	Α	Yes.
11	Α	Mrs. Martinez?	11		MR. BELAZIS: Do we have those, Teresa?
12	Q	Yes.	12		MS. GRIGSBY: Every note that we have,
13	À	She told me that students have approached her and	13		you've got.
14		told her about Mrs. Smith and these instances.	1.4		BY MR. BELAZIS:
15		Mrs. Martinez approached me at the end of the	15	Q	Are they part of the exhibit there?
16		school day and told me, gave me this information.	16	À	Yes. Yes.
17	Q	Oh, okay. All right. So, and basically it's	17	Q	So maybe you can point to it?
18		what's reflected on page 1 of Exhibit 12?	18	À	Yes, I can. Everything well, I don't know
19	Α	Yes.	19		about everything; but these pages that are on
20	Q	All right. And then the second and third and	20		notebook paper, one, two, three, four pages is my
21.		fourth pages of the exhibit, whose handwriting is	21		handwriting.
22		that?	22	Q	Why don't you just mark them with, just initial
23	Α	I do not know,	23	_	them, maybe that's the easiest way.
24	Q	Would you recognize Dr. Gunner's handwriting if	24	Α	Put my initials there?
25	`	you saw it?	25		MS. GRIGSBY: Yes, just put "CG."
		Page 90			Page 92
1	Α	I wouldn't recognize it over anybody else's.	1		THE WITNESS: Okay. (Drawing.)
2	Q	Okay. Fair enough. All right. And then in the	2		MR. BELAZIS: Let's mark these also.
3		course of the investigation conducted by you and	3		THEREUPON, Plaintiff's Exhibit 14 was marked
4		Dr. Gunner together, Dr. Gunner took some notes	4		for identification.
5		that he jotted on his laptop as the students were	5		
			1		BY MR. BELAZIS:
6		being interviewed; is that correct?	6	Q	BY MR. BELAZIS: Okay. So now I've handed you what's been marked
6 7	Α	being interviewed; is that correct? I know that he was taking I know that he was	1	Q	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand
	Α	being interviewed; is that correct?	6	Q	Okay. So now I've handed you what's been marked
7	A	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes.	6 7	A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes.
7 8 9 10	Α	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked	6 7 8		Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the
7 8 9	A	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification.	6 7 8 9	A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just
7 8 9 10 11	A	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS:	6 7 8 9	A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago?
7 8 9 10 11	A Q	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification.	6 7 8 9 10 11	A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just
7 8 9 10 11		being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS:	6 7 8 9 10 11 12	A Q	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago?
7 8 9 10 11 12		being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS: Well, let me ask you, have you seen the	6 7 8 9 10 11 12 13	A Q A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago? The same, meaning the handwriting?
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7 8 9 10 11 12 13 14 15	Q	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS: Well, let me ask you, have you seen the documents, any of the pages marked Plaintiff's Exhibit 13, prior to today?	6 7 8 9 10 11 12 13 14 15	A Q A Q	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago? The same, meaning the handwriting? The same notes. The same notes. Let me look. These are
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7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS: Well, let me ask you, have you seen the documents, any of the pages marked Plaintiff's Exhibit 13, prior to today? I think I probably did the first time around, I'm not sure. You mean when these events were transpiring? When no. When I at Sawmill Creek. Okay. Did you see them prior to that; in other	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago? The same, meaning the handwriting? The same notes. The same notes. Let me look. These are different notes. They're different, okay. Do you know whether there's any others beside these? No, I do not. In the notes that you initialed that are part of
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS: Well, let me ask you, have you seen the documents, any of the pages marked Plaintiff's Exhibit 13, prior to today? I think I probably did the first time around, I'm not sure. You mean when these events were transpiring? When no. When I at Sawmill Creek. Okay. Did you see them prior to that; in other words, in connection with the determination about	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A A	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago? The same, meaning the handwriting? The same notes. The same notes. Let me look. These are different notes. They're different, okay. Do you know whether there's any others beside these? No, I do not. In the notes that you initialed that are part of Exhibit 13, it looks like at the top of each page
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A	being interviewed; is that correct? I know that he was taking I know that he was typing on his laptop while we were talking with the students, yes. THEREUPON, Plaintiff's Exhibit 13 was marked for identification. BY MR. BELAZIS: Well, let me ask you, have you seen the documents, any of the pages marked Plaintiff's Exhibit 13, prior to today? I think I probably did the first time around, I'm not sure. You mean when these events were transpiring? When no. When I at Sawmill Creek. Okay. Did you see them prior to that; in other words, in connection with the determination about whether to take any disciplinary against	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q	Okay. So now I've handed you what's been marked as Plaintiff's Exhibit 14. And as I understand it, those are also your handwritten notes? Yes. Can you tell if they're the same as the handwritten notes in Exhibit 13 that you just initialed a few moments ago? The same, meaning the handwriting? The same notes. The same notes. Let me look. These are different notes. They're different, okay. Do you know whether there's any others beside these? No, I do not. In the notes that you initialed that are part of Exhibit 13, it looks like at the top of each page you have a student's first name?

23 (Pages 89 to 92)

		Page 93			Page 95
1	À	Yes.	1		regardless of what period it was?
2	. Q	And the handwritten notes would reflect what you	2	Α	Well, it makes a difference, because lunch was 5C
3		understood them to say when you were questioning?	3		and then Study Hall 5D.
4	Α	Some were just parts of the question; but, yes,	4	Q	Okay. So which one was she not getting to on
5		that was, I was taking notes on what they were	5		time?
6		saying.	6	Α	That's what I believe it was, was it would be the
7	· Q	Do you remember how many students you interviewed	7		Study Hall 5D.
8	-	by yourself, without Dr. Gunner, after he left	8	Q	And what room was that in?
9		town?	9	A	605.
10	Α	No, I do not.	10	Q	And she was coming from Room 701?
11	Q	But the only students you interviewed alone were	11	À	No.
12	`	those that, that were interviewed after	12	Q	702?
13		Dr. Gunner left town, because you were left alone	13	À	At that time she would have been in 601 and then
14		to finish the interview process?	14		gone to lunch or whatever.
15	Α	I don't know if he left town.	15	Q	Oh, I see. So this was an occasion in which she
16	Q	He just left you to finish it up?	16	~	was already in 605, she went somewhere and didn't
17	À	Well, I don't know where he went. I don't	17		get back on time?
18		recall. And I don't recall exactly how many were	18	Α	That's what I believe, yes.
19		left, but I know that I was going to call down	19	Q	Okay. That's your recollection, but is that what
20		the remainder of the students, with the exception	20		this says?
21		of the one student, Brian Kurtz.	21	Α	Well, it says fifth period meets 5A and B with
22	Q	Okay.	22		lunch during 5C and Study Hall 5D. And then it
23	•	THEREUPON, Plaintiff's Exhibit 15 was marked	23		goes on about Miss Malott being there.
24		for identification.	24	Q	Okay. But in any event, what you're trying to do
25		BY MR, BELAZIS:	25	_	is reconstruct what you meant by this memorandum,
		Page 94			Page 96
1	Q	Can you identify what's been marked as	1		it sounds like you don't have a specific
2		Plaintiff's Exhibit 15?	2		recollection?
3	Α	It appears it's an e-mail from me to	3	A	It was during, I believe, 5D. There was
4		Mrs. Smith with a BCC to Dr. Gunner.	4		confusion, I believe, on her part as to when the
5	Q	You sent this e-mail after you determined that	5		Study Hall was and the lunch.
6		she was not getting to her well, to which	6	Q	Oh, this would have been at the beginning of the
7		class on time?	7	-	year; is that what you mean?
8	Α	Fifth period.	8	Α	9/15, yes.
9	Q	And that would be the Study Hall; in other words,	9	Q	I see.
10	•	downstairs at	10	À	Yeah, and she had just come back a week or so
11	Α	In 605.	11		prior to that.
12	Q	In Room 605?	12	Q	Okay. And had you also mentioned to her about
13	À	Yes.	13	-	getting to Room 605 on time when she was coming
14	Q	She was moving from Room 701 to Room 605 and not	14		from Room 701?
15	`	getting there on time, that was your observation,	15	A	I had that conversation, yes.
16		right?	16	Q	Because you had observed her getting in late?
17	Α	I believe it was 5C and 5D, not 5A and 5B.	17	À	I was in the hallway when she was coming down,
18	Q	Okay. What's the significance of that?	18	-	yes.
19	Ā	She would be there at 5A and 5B for the class, 5C	19	Q	And did you also stand in the hallway a number of
20		she would have lunch, the students would have	20	*	times after that to make sure that she was
21		lunch	21		getting to her class on time?
	Q	Uh-huh.	22	Α	Not in particularly for her, I would be in the
22		and 5D would be the Study Hall portion.	23	4.	hallway between classes, not just during fifth
22 23	A				partiant atmosphy tree lene sentitib titel
23	A 0		24		period.
	Q	Okay. But the point is, this relates to her getting from Room 701 to 605 in a timely fashion,	24 25	Q	period. And you would observe that she was getting there

24 (Pages 93 to 96)

		Page 97			Page 99
1		at the bell or sometime after the bell?	1	Α	The Assistant Principal was made aware when he
2	. A	I didn't specifically set out to	2		went looking for a student that that had
3	Q	I understand that. I'm just asking if you	3		happened.
4		observed that she was getting there at the bell	4	Q	And he brought it to your attention?
5		or after the bell on a number of occasions while	5	Α	Yes.
6		you were standing there, for whatever reason?	6	Q	And he told you that it had happened on a number
7	Α	I heard that she was getting there.	7		of occasions?
8	Q	Who did you hear it from?	8	Α	Several. Several.
9	À	From I'm trying to think. I can't recall who.	9	Q	And did you inquire her as to why?
10	Q	Okay. So now let me go back to my original	10	A	No, I did not.
11		question. You've already said that you were	11	Q	Did you review the responses given by or maybe
12		standing out in the hallway for reasons unrelated	12		you answered this already, but did you review the
13		to watching her.	13		responses given by the students in connection
14	Α	I was talking with other teachers, yes.	14		with the investigation; in other words, their
15	Q	My question is, while on those occasions, when	15		written, their written summaries that should have
16	`	you were standing in the hallway where you could	16		been provided?
17		see Mrs. Smith entering her 605 classroom, did	17	Α	I don't recall reviewing them all. I looked at
18		you observe her on some occasions arriving at the	18		my notes and probably discussed with Dr. Gunner
19		bell or after the bell?	19		what he had heard.
20	Α	No.	20	Q	Okay, let me, just for the record, go back.
21	Q	How many times did you stand there like that and	21	-	Referring again to Plaintiff's Exhibit 13. The
22		observe her?	22		typewritten
23	Α	I would nominally not stand down in the 600	23	Α	Are not mine.
24		hallway, but in the aisle by the ramp, which	24	Q	documents, those are not yours?
25		would be the main hallway.	25	À	(Nod indicating yes.) That's correct, yes.
		- 12 - 12 - 12 - 12 - 12 - 12 - 12 - 12			
		Page 98			Page 100
1	Q	I think you were asked this in your testimony at	1	Q	And can we assume that those are Dr. Gunner's
2		Sawmill Creek, but did Mrs. Smith ever ask you to	2		notes that he was tapping on his laptop?
3		move her classroom, Social Studies classroom,	3	Α	I won't assume, but they're not mine.
4		from 601 to, up to the second floor, either 701	4	Q	You don't know, okay. And then there are a
5		or 702 or 707?	5		number of handwritten statements on long paper, I
6	٨	No.	6		guess that are part of the exhibit, and they are,
7	Q	Did she ever have a conversation with you telling	7		they appear to be signed by the students, right?
8		you that she was incapable of making it to her	8	Α	Correct.
•		605 class within the four minute time allowed?	9	Q	And those are the statements that were collected?
9		No.	10		75 - 1 1 1
10	A			Α	The legal pad, yes. The length, legal pad
10 11	A Q	And if she says that she did, would you dispute	11		length.
10 11 12		And if she says that she did, would you dispute that?	11 12	A Q	length. And did you review those?
10 11	Q A	And if she says that she did, would you dispute that? I would repeat my answer.	11		length. And did you review those? I might have.
10 11 12	Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that	11 12 13 14	Q	length. And did you review those? I might have. Okay. If you review the statements provided by
10 11 12 13	Q A	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one	11 12 13 14 15	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if
10 11 12 13 14 15	Q A	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other?	11 12 13 14 15 16	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this
10 11 12 13 14	Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation.	11 12 13 14 15 16	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide
10 11 12 13 14 15 16 17	Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation. Okay. There's a memorandum that I saw where you	11 12 13 14 15 16 17	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide variety of observations made by the students,
10 11 12 13 14 15 16	Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation. Okay. There's a memorandum that I saw where you make the observation that Mrs. Smith, without	11 12 13 14 15 16 17 18 19	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide variety of observations made by the students, some said that she slept every day, some said
10 11 12 13 14 15 16 17	Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation. Okay. There's a memorandum that I saw where you	11 12 13 14 15 16 17	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide variety of observations made by the students, some said that she slept every day, some said that she never slept at all; did you note that?
10 11 12 13 14 15 16 17 18	Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation. Okay. There's a memorandum that I saw where you make the observation that Mrs. Smith, without telling you anyone, took her what period is that where she had Social Studies?	11 12 13 14 15 16 17 18 19 20 21	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide variety of observations made by the students, some said that she slept every day, some said that she never slept at all; did you note that? MS. GRIGSBY: Objection.
10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation. Okay. There's a memorandum that I saw where you make the observation that Mrs. Smith, without telling you anyone, took her what period is that where she had Social Studies? Fifth period.	11 12 13 14 15 16 17 18 19 20 21 22	Q A	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide variety of observations made by the students, some said that she slept every day, some said that she never slept at all; did you note that? MS. GRIGSBY: Objection. I did not note that. I started at the beginning
10 11 12 13 14 15 16 17 18 19 20 21	Q A Q	And if she says that she did, would you dispute that? I would repeat my answer. And is your answer that are you positive that she did not, or that you don't really recall one way or the other? I do not recall ever having that conversation. Okay. There's a memorandum that I saw where you make the observation that Mrs. Smith, without telling you anyone, took her what period is that where she had Social Studies? Fifth period. where her fifth period Social Studies class	11 12 13 14 15 16 17 18 19 20 21	Q A Q	length. And did you review those? I might have. Okay. If you review the statements provided by the students, including those on Dr. Gunner's, if we presume that the typewritten part of this exhibit is Dr. Gunner's, there's a pretty wide variety of observations made by the students, some said that she slept every day, some said that she never slept at all; did you note that? MS. GRIGSBY: Objection.
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25 (Pages 97 to 100)

		Page 101			Page 103
1	Q	So assuming that some students were informing you	1	Q	Do you know if Dr. Gunner interviewed her?
2	-	and Dr. Gunner that they never saw Mrs. Smith	2	Α	No, I do not.
3		sleeping during either Study Hall or the Social	3	Q	The students who indicated to you that they saw
4		Studies class, and other students said that they	4		Mrs. Smith sleeping during Study Hall, there were
5		did see that kind of occurrence, how would you	5		a number of those, right?
6		reconcile that?	6	Α	Yes.
7		MS. GRIGSBY: Objection.	7	Q	Can you tell me how many times they made that
8		BY MR. BELAZIS:	8		observation?
9	Q	In your mind.	9	Α	How many times, pardon?
10	Α	I think that some people were paying closer	10	Q	They made the observation.
11		attention than others.	11		MS. GRIGSBY: You mean during the
12	Q	That's how you would reconcile it. Okay. And	12		course of the interview or the number or
13		there were some students, I think you might have	13		THE WITNESS: Yes, I'm unclear as to
14		noted, that indicated that Mrs. Smith would	14		how many times.
15		arrive with the bell, others within a minute or	15		BY MR. BELAZIS:
16		two after the bell, others 15 to 20 minutes after	16	Q	Well, to the extent that any student said that "I
17		the bell. A pretty wide range of observations;	17		saw her sleeping in class," did you try to pin
18		you probably noted that, right?	18		down how many times they made that observation?
19	Α	I saw that there was a range.	19		MR. BELAZIS: Let me withdraw that
20	Q	And how would you reconcile that?	20		question and ask a different one.
21	Λ	Again, some people pay closer attention to time	21	Q	Did you ask any of the students what time it was
22		than others.	22		when they observed Mrs. Smith sleeping; in other
23	Q	Okay. One of the students said under oath, when	23		words, what part of the Study Hall period?
24		asked, that she was told by you and that this	24	Α	I've got one stating here two students on my
25		is what the instruction that she received from	25		handwritten notes, that I notated, that said she
		Page 102			Page 104
1		you and Dr. Gunner. She was told that, quote,	1		was dozing off during Study Hall.
2		"Mrs. Smith has done something wrong and we're	2	Q	Okay. My question is, what time did that occur?
3		investigating, and we want you to know and we	3	•	Was it at the very beginning of the Study Hall,
4		want to know as much about it as you can tell	4		the very end of the Study Hall, the middle of the
5		us."	5		Study Hall, as they were walking in?
6	Α	I don't recall that ever being said.	6	A	I don't recall asking that.
7	Q	Well, she said it under oath.	7	Q	Okay. Good enough.
8	À	I understand that.	8	•	MR. BELAZIS: Let's mark these.
9	Q	It would be your position that she was lying?	9		BY MR. BELAZIS:
10	À	I did not I was not here or there to hear	10	Q	By the way, just back to your earlier question
11		her say that, and I don't recall ever having said	11		about some students paying closer attention. Did
12		that.	12		you conclude that the students, who made the
13	Q	One thing I don't see in any of the interview	13		statement that they saw Mrs. Smith sleeping, were
14	`	notes is anything, any information secured from	14		paying closer attention?
15		Daniel Malott. Do you know who she was?	15	Α	Closer attention to what?
16	Α	Yes.	16	Q	I'm just parroting what said. You said the
17	Q	Who was she?	17	`	students I asked you how you could reconcile
18	À	Daniel Malott was an intervention specialist	18		the fact that some students said they never saw
19		teacher.	19		her sleep and other students who said that she
20	Q	Okay. And she was assigned to that classroom?	20		slept regularly? And I asked you how you
21	À	Yes.	21		reconciled that? And your answer was some
22	Q	And she was in that classroom on a regular basis?	22		students were paying closer attention.
	À	On a regular basis.	23	Α	To Mrs. Smith.
23		-	l		
23 24	Q	Did you interview her?	24	Q	Right. So my question is, was it your conclusion

26 (Pages 101 to 104)

		Page 105			Page 107
1		sleeping must have been paying closer attention?	1	Q	For a teacher.
2	Α	To Mrs. Smith, that's my answer.	2	Α	No.
3	Q	That was your conclusion? That was your	3	Q	All right. Do you know whether the bell had
4		conclusion, right?	4		already rung when these photographs were taken?
5	Α	Yes.	5	Α	No.
6		THEREUPON, Plaintiff's Exhibit 16 was marked	6	Q	And you didn't ask that question?
7		for identification.	7	Α	I'd have to go back and look.
8	Q	Handing you what's been marked as Plaintiff's	8	Q	Feel free.
9		Exhibit 16.	9	Α	I believe could you specifically you're
10		MS. GRIGSBY: Is that an extra copy?	10		asking about these pictures?
11		MR. BELAZIS: Yes. It's not like you	11	Q	These pictures. Just so I'm clear here, without
12		haven't seen these.	12		looking in your notes, you don't have a
13		MS. GRIGSBY: True.	13		recollection one way or the other?
14		BY MR. BELAZIS:	14	Α	I'm looking for a specific student, this specific
15	Q	Have you seen these photos before?	15		student to see.
16	À	Yes.	16	Q	Okay. I see you're looking at typewritten notes?
17	Q	And these were photos provided to you by students	17	À	Yes.
18	-	in the class, right?	18	Q	Which you didn't prepare?
19	A	Yes.	19	À	That's correct.
20	Q	And they said that they took those during the	20	Q	And you're using those to refresh your
21		well, what did they say?	21	_	recollection?
22	Α	These are students that are in her fifth that	22	Α	I was present while they were interviewed.
23		were in her fifth period class.	23	Q	Okay.
24	Q	And the photographs, according to the students,	24	À	For this particular student who we interviewed on
25		if you recall, were taken during what? Oh, by	25		the 29th, he had "Sleeping during Study Hall, not
	·····	Page 106			Page 108
1		fifth period.	1		during along arms folded and head back covered
2			1		during class, arms folded and head back several
	Α	During fifth period.	2		times a week, and photo booth pictures," which I
3	A Q	-	1		
3 4		During fifth period.	2		times a week, and photo booth pictures," which I
	Q	During fifth period. And that would be the Study Hall?	2 3	Q	times a week, and photo booth pictures," which I believe that's the computer program that was used
4	Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were	2 3 4	Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture.
4 5	Q A	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be	2 3 4 5	Q A	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was
4 5 6	Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period.	2 3 4 5 6		times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right?
4 5 6 7	Q A	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study	2 3 4 5 6 7	A	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not.
4 5 6 7 8	Q A Q A	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall?	2 3 4 5 6 7 8	A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right?
4 5 6 7 8 9	Q A Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would.	2 3 4 5 6 7 8	A Q A	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not.
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4 5 6 7 8 9 10	Q A Q A Q A	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not.	2 3 4 5 6 7 8 9 10	A Q A	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was
4 5 6 7 8 9 10 11	Q A Q A Q A	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same	2 3 4 5 6 7 8 9 10 11	A Q A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct?
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4 5 6 7 8 9 10 11 12 13 14 15	Q A Q A Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same day? It appears that these two, and that's just an	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Q A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct? That's correct. But you were present for all of the interviews that Dr. Gunner was there for?
4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A Q A	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same day? It appears that these two, and that's just an appearance to me because I'm just asking you if you know? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct? That's correct. But you were present for all of the interviews that Dr. Gunner was that Dr. Gunner was that Dr. Gunner was that Dr. Gunner was there for? Yes.
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q A Q A Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same day? It appears that these two, and that's just an appearance to me because I'm just asking you if you know?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct? That's correct. But you were present for all of the interviews that Dr. Gunner was there for? Yes. You make the assignments related to classroom, I think that was your testimony during the Sawmill
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same day? It appears that these two, and that's just an appearance to me because I'm just asking you if you know? No. And you don't know what time these were taken? No. Mrs. Smith had a lunch period right before the Study Hall began?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct? That's correct. But you were present for all of the interviews that Dr. Gunner was there for? Yes. You make the assignments related to classroom, I think that was your testimony during the Sawmill Creck hearing? Myself and the Assistant Principal, yes. And would it be would you agree with the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A A Q A A Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same day? It appears that these two, and that's just an appearance to me because I'm just asking you if you know? No. And you don't know what time these were taken? No. Mrs. Smith had a lunch period right before the Study Hall began? That's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct? That's correct. But you were present for all of the interviews that Dr. Gunner was there for? Yes. You make the assignments related to classroom, I think that was your testimony during the Sawmill Creek hearing? Myself and the Assistant Principal, yes. And would it be would you agree with the proposition that it would be inappropriate as a
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q	During fifth period. And that would be the Study Hall? I don't know exact time as to when they were taken, but part of that period, but it would be during that class, class period. And that but that would include the Study Hall? Yes, it would. And you don't know what day these were taken? No, I do not. You don't know if they were all taken on the same day? It appears that these two, and that's just an appearance to me because I'm just asking you if you know? No. And you don't know what time these were taken? No. Mrs. Smith had a lunch period right before the Study Hall began?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A A Q	times a week, and photo booth pictures," which I believe that's the computer program that was used to take that picture. All right. It doesn't say whether the photo was taken before the bell or after the bell, right? No, it does not. And you don't recall that being asked, right? No, I do not. And I know you already said that you were present or conducted some interviews that Dr. Gunner was not present for, correct? That's correct. But you were present for all of the interviews that Dr. Gunner was there for? Yes. You make the assignments related to classroom, I think that was your testimony during the Sawmill Creck hearing? Myself and the Assistant Principal, yes. And would it be would you agree with the

27 (Pages 105 to 108)

		Page 109			Page 111
1		walking that distance?	1		to the fact that Nick Nolte and Burt Reynolds had
2	· A	If I knew that, yes.	2		both jump started their careers by appearing in
3	Q	The discussion related to pornography, are you	3		Playgirl; is that correct?
4		familiar with you know what I'm talking about?	4	Α	I don't recall that conversation.
5	Α	Yes.	5	Q	All right. I don't have a copy of this, but I'm
6	Q	All right. Would you characterize any allusion	6		just going to hand you what I think you can
7		to Playboy or Playgirl as being pornographic?	7		properly identify is the yearbook for the Perkins
8	Α	It depends upon the context.	8		School District for 1984. And I wonder if you
9	Q	Okay. Are there some circumstances where you	9		could look at the bottom left hand corner of the
10		would not consider it to be pornographic?	10		page, which is page 50, and describe it for the
11	Α	It depends upon what the conversation	11		record.
12	Q	I understand that. So can I assume from that	12	Α	The bottom of page 50 shows, I think, three girls
13		that you would agree, at least under some	13		with their hands over their mouths looking into
14		circumstances, an allusion to Playboy or Playgirl	14		what appears to be Playgirl Magazine.
15		would not be pornographic, in your opinion?	15	Q	And the inference is they're are looking at
16	Α	It would be very narrow circumstances in school.	16		nudity, perhaps the centerfold, right?
17	Q	Okay. Would you regard an allusion to Nick Nolte	17		MS. GRIGSBY: Objection.
18		and his appearance as a centerfold in Playgirl,	18	Α	I wouldn't begin to know what the inference is.
19		as a way to jump start his career; would you	19		BY MR. BELAZIS:
20		consider that to be pornographic, in that	20	Q	Okay. Now, this didn't sneak in by accident, did
21		context?	21		it?
22	Α	Personally or professionally?	22	Α	I was not an administrator at the time.
23	Q	Either one.	23	Q	Would you regard this as pornographic?
24	Α	Personally, what the person does with their own	24	Α	I would regard it in poor taste for a high school
25		time is okay; but in school I have to have	25		yearbook.
		Page 110			Page 112
1		consideration of what's being shown to students.	1	Q	Do you know whether Mrs. Smith was around at the
2	Q	That's fine. But my question was about a	2	×	time?
3	V	MR. BELAZIS: Read back my question.	3		MS. GRIGSBY: Objection.
4		THEREUPON, the Reporter read the requested	4	Α	I believe we covered that earlier in terms of
5		portion of the record.	5		28 years and I started in 1982.
6		BY MR, BELAZIS:	6		THEREUPON, Plaintiff's Exhibit 18 was marked for
7	Q	And by allusion, I mean, I speak to reference,	7		identification.
8	Q	not pulling out the centerfold?	8		MS. GRIGSBY: I'm going to object to
9		MS, GRIGSBY: A reference made in	9		the authenticity of the two documents.
10		school?	10		MR. BELAZIS: That's fine. Go ahead.
11		MR, BELAZIS: Yes.	11		BY MR. BELAZIS:
12	Α	I think it's very I think it's not	12	Q	Now, I've handed you what's been marked as
13	71	appropriate.	13	~	Plaintiff's Exhibit 18. Is that the same
14		BY MR. BELAZIS:	14		Playgirl Magazine that appeared in the Perkins
15	Q	Were you around when by the way, do you	15		1983 yearbook? Would you like to take a look?
16	V	consider that to be pornographic?	16	Α	Yes, please.
17	Α	No.	17	**	MS, GRIGSBY: Well, then I particularly
18	Q	Okay.	18		object, because if we don't know this is
19	Q	MR, BELAZIS: Let's mark that.	19		authentic, then I don't know that we can know
20		THEREUPON, Plaintiff's Exhibit 17 was marked	20		that that is.
21		for identification.	21		MR. BELAZIS: Okay, you can object
22		BY MR. BELAZIS:	22		away. You know, every time I look for it I can't
23	Q	That's Burt Reynolds, right?	23		find it.
24	A	I believe so.	24		THE WITNESS: Wasn't there a
			l		
25	Q	What the students said was that Mrs. Smith refers	25		MR. BELAZIS: Oh, I lost that too. Oh,

28 (Pages 109 to 112)

		Page 113			Page 115
1		it was on page 50 though, isn't it? Here we go.	1	A	No.
2	•	THE WITNESS: I can't see the date on	2	Q	And you didn't talk to you didn't find out
3		it, but.	3	•	whether he had gotten permission from any of the
4		BY MR. BELAZIS:	4		parents to show it?
5	Q	I'm just asking.	5	Α	I did ask him and he did not.
6	À	It does appear to be Harrison Ford in both.	6	Q	He did not. And you didn't view the video
7	Q	Mr. Obergefell?	7	•	yourself to determine how appropriate or
8	À	Obergefell.	8		inappropriate it had been?
9	Q	Right. I know you were asked about him at	9	Α	No, I did not.
10	•	Sawmill Creek?	10	Q	And you didn't take any disciplinary action
11	Α	Yes.	11	-	against him?
12	Q	And you were asked questions about the video	12	Α	Yes, we did.
13		involving the death of Daniel Perlman, right?	13	Q	Well, let me ask you a question, I'm glad you
14	Α	I don't recall the name of the death of the	14	`	reminded me. Because I've got Mr. Obergefell's
15		individual.	15		personnel file and there's no disciplinary action
16	Q	Okay. Well, you do recall that he showed a video	16		in there related to this, at least that I saw.
17	`	in his class of a beheading?	17		Is there any reason to think that your
18	Α	Yes.	18		disciplinary actions are not included in the
19	Q	Human beheading?	19		teacher's personnel file?
20	À	Yes.	20	Α	Because of progressive discipline there might be
21	Q	But you don't know which, which beheading that	21		a reason why it was removed after a certain
22	`	was?	22		period of time.
23	Α	Which	23	Q	Did you give him a verbal reprimand or a written
24	Q	Is that fair?	24	_	reprimand?
25	À	individual was beheaded, I do not know that	25	Α	No, it was a written.
		Da			Da
_		Page 114	l .		Page 116
1		name.	1	Q	What, is there a policy on removal of
2	Q	You didn't conduct any investigation?	2		disciplinary, written disciplinary materials?
3	Α	I spoke to him, because he came down and spoke to	3	Λ	I believe there was at the time in the contract.
4		me.	4	Q	What was it?
5	Q	I understand that. But you didn't conduct any	5	Α	After X number of years, if there are no further
6		investigation as to the nature of the video that	6		incidences, that there would be removal of the
7		he showed to his class?	7		letter.
8	Α	I spoke with him afterwards about what had	8	Q	Okay. Can I assume that during the time when you
9		happened.	9		and Dr. Gunner were interviewing these students
10	Q	Did you look at the video?	10		about who witnessed Mrs. Smith Social Studies and
11	A	No, I did not.	11		Study Hall, that you didn't advise any of them
12	Q	So you don't know how	12		that Mrs. Smith had an eye problem that caused
13	Α	I did not see the video.	13		her to periodically close her eyes; you didn't
14		MS. GRIGSBY: Graphic?	14		bring that to their attention?
15		MR. BELAZIS: Graphic, thank you.	15	Α	To?
16		BY MR. BELAZIS:	16	Q	The students, did you tell any of the students?
17	Q	You don't know how graphic the video was?	17	Λ	I did not.
18	Α	I did not see the video.	18	Q	Did Dr. Gunner?
19	Q	And you did not interview any of the students in	19	Α	I do not know.
20		his class to find out how uncomfortable that made	20	Q	Do you recall hearing him tell any of them?
21		them feel?	21	Α	Could you repeat the question, please?
22	Α	I took his word that he had shown it.	22	Q	Let me restate it. Do you recall hearing
23	Q	I understand that. But you didn't interview any	23		Dr. Gunner tell any of these students that
24 25		of the students in his class to find out how they responded to it?	24 25		Mrs. Smith had an eye problem that caused her to periodically close her eyes?

29 (Pages 113 to 116)

1 2 3 4 5 6 7 8 9 10 11 12 13 14	A Q A Q	No, I do not. Is there a business teacher or a teacher that teaches business classes at Perkins High School	1 2	A	Nothing in terms of similar to that.
2 3 4 5 6 7 8 9 10 11 12	A Q	Is there a business teacher or a teacher that	2	_	_
4 5 6 7 8 9 10 11 12 13	A Q	teaches business classes at Perkins High School		Q	There was nothing that would allow the students
5 6 7 8 9 10 11 12	Q		3	•	to learn how to type?
6 7 8 9 10 11 12	Q	currently?	4	Α	No.
7 8 9 10 11 12		Yes.	5	Q	Do you know why it was eliminated?
8 9 10 11 12 13		And who is that?	6	A	We figured that we, with our One-to-One Program,
9 10 11 12 13	Α	I do not know, I haven't been there.	7		that they were learning at an early age and that
10 11 12 13	Q	Oh, that's right. Well, does Carol Styles ring a	8		there was not the need for Keyboarding.
11 12 13	-	bell?	9	Q	Well, why don't you, if you don't mind, try to
12 13	Α	Yes.	10		interpret that for me? That was provided to me
13	Q	And she was there and hired while you were still	11		by the District through your counsel?
	-	there?	12		MS. GRIGSBY: May I?
14	Α	Yes.	13		MR. BELAZIS: Oh, I'm sorry.
	Q	And she was recommended by you and the high	14		THEREUPON, Plaintiff's Exhibit 19 was marked
15		school committee?	15		for identification.
16	Α	By the committee, yes.	16	Q	You've been handed what's been marked as
17	Q	What exactly did she teach, at least that first	17		Plaintiff's Exhibit 19. And that's a roster, at
18	_	year, while you were still there?	18		least according to the discovery responses
19	Α	I'd have to look back at the I don't recall.	19		received from the District, this is a roster of
20		I'm sure it was Accounting. Probably a Business	20		Mrs. Smith's class, and it would appear to be for
21		class, but I'd have to look back at the syllabus.	21		the 2008-2009 school year, and also for 2009-2010
22	Q	Was she a full-time member of the teaching	22		school year; is that correct?
23	_	facility?	23	Α	Is it a roster or is it a request, course
24	Α	I do not recall.	24		request?
25	Q	Any reason to think she was not a full-time	25	Q	Well it's
		Page 118	\ <u></u>		Page 120
1		member of the teaching facility?	1	Α	It only says, "Roster."
2	A	Enrollment was low in Business classes.	2	Q	Well, I asked for a roster and it says, "Roster."
3	Q	That's my point. So do you know whether she was	3	Ā	Okay.
4		a full-time or part-time member of the teaching	4	Q	So I don't know, because I didn't prepare this.
5		faculty?	5	•	Who would have prepared this?
6	Α	I'd so have to look back at our syllabus.	6	Α	I don't know.
7	Q	Okay. Do you know if she taught anything other	7		MR. BELAZIS: Do you know who?
8	`	than Business classes?	8		MS. GRIGSBY: I don't know who printed,
9	Α	No, I don't recall.	9		the button to, you know.
10	Q	You don't recall that she did teach anything	10		MR. BELAZIS: Can we get them down here
11	•	different?	11		real quick?
12	Α	Other than Business classes.	12		MS. GRIGSBY; No.
13	Q	All right.	13	Α	I'm unsure as to whether it's a roster or whether
14	Ā	Are	14		it's a course request.
15	Q	You can ask a question if you need clarification.	15		BY MR. BELAZIS:
16	Ā	Is Marketing the same as Business?	16	Q	All right. That's fair enough. One thing I'm
17	Q	You tell me.	17	•	unclear about is, is that by 2008-2009 school
18	Ā	There's a difference between Accounting and	18		year I thought Keyboarding had already been
19	• •	Business, Marketing.	19		eliminated, no?
20	Q	Does she teach Marketing, too?	20	Α	I don't know.
21	Ā	I don't know.	21	Q	Maybe this was at the
22	Q	All right. If you could, there was a point at	22	ν.	MS. GRIGSBY: I think it's 09-10.
23	*	which Keyboarding was eliminated?	23		MR. BELAZIS: Uh-huh.
24	Α	Yes.	24		MS. GRIGSBY: Off the record.
25	Q	Was it replaced with anything?	25		///

30 (Pages 117 to 120)

		Page 121			Page 123
1		THEREUPON, there was a discussion off the	1		for identification.
2 .		record.	2		BY MR. BELAZIS:
3		MR. BELAZIS: Let's mark that, please.	3	Q	You've had a chance to review what's been marked
4		THEREUPON, Plaintiff's Exhibit 20 was marked	4		as Plaintiff's Exhibit 21?
5		for identification.	5	Α	Yes.
6		BY MR. BELAZIS:	6	Q	And, again, this is a Performance Evaluation
7	Q	Can you identify that, please?	7		completed by you with regards to Mrs. Smith,
8	Α	It is an evaluation form dated June 6th through	8		right?
9		the evaluation of 2007, and June 6th June 7th	9	Α	Yes.
10		of '07 for the final review.	10	Q	And it relates to the well, you prepared it on
11	Q	That's an evaluation of Carol Smith?	11		November 28, 2008 and had a final review with
12	Α	Carol Smith, yes.	12		Mrs. Smith on December 2, 2008; is that correct?
13	Q	That you carried out?	13	Α	I have Tuesday, November 18, 2008.
14	A	For Keyboarding at Perkins High School	14	Q	That's when you prepared it, right?
15	Q	And you prepared it?	15	Α	Correct.
16	À	that I prepared.	16	Q	And then you had a final sign on and review
17	Q	And you signed it?	17	A	A final review on December 2nd
18	À	And signed.	18	Q	on December 2nd? Okay.
19	Q	Okay. And it would be safe to say that she met	19	Ā	of 2008, yes.
20		the standards of the District as a classroom	20	Q	And, again, the same thing, there's Excellent,
21		teacher, almost well, really in every respect,	21	~	Meets but Requires Improvement, and Doesn't Meet,
22		right?	22		in other words, unacceptable?
23	Α	There are four categories and many of them are,	23	Α	Yes.
24		most of them are M's for Meets, there's a couple	24	Q	And, again, in general, this is, you found
25		of MIR's, and a couple of E's.	25	•	Mrs. Smith to meet standards with a couple of
		Page 122			Page 124
1	_				
	Q	E meaning Excellent, right?	1		exceptions where you thought she needed
2	Q A	E meaning Excellent, right? Yes. M meaning Meets, MIR meaning Meets with	1 2		exceptions where you thought she needed improvement?
2 3				A	
		Yes. M meaning Meets, MIR meaning Meets with	2	A	improvement?
3	A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended.	2 3	A Q	improvement? Yes. This time there were X's in two categories
3 4	A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that	2 3 4		improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back.
3 4 5	A Q A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals.	2 3 4 5		improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's
3 4 5 6	A Q A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement	2 3 4 5 6	Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job?
3 4 5 6 7	A Q A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right,	2 3 4 5 6 7	Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none.
3 4 5 6 7 8	A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few?	2 3 4 5 6 7 8	Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintift's Exhibit 22 was marked
3 4 5 6 7 8	A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so.	2 3 4 5 6 7 8	Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification.
3 4 5 6 7 8 9	A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over	2 3 4 5 6 7 8 9	Q A	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS:
3 4 5 6 7 8 9 10	A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career?	2 3 4 5 6 7 8 9 10	Q A	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as
3 4 5 6 7 8 9 10 11	A Q A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right?	2 3 4 5 6 7 8 9 10 11	Q A	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance
3 4 5 6 7 8 9 10 11 12 13	A Q A Q A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine.	2 3 4 5 6 7 8 9 10 11 12	Q A	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by
3 4 5 6 7 8 9 10 11 12 13 14	A Q A Q A Q A Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I	2 3 4 5 6 7 8 9 10 11 12 13	Q A	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle
3 4 5 6 7 8 9 10 11 12 13 14 15	A Q A Q A Q A A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A Q A A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed, you mean?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct. And in it there's quite a significant departure
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q A A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed, you mean? No, to go back and look and see how many Meets, MIR's.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct. And in it there's quite a significant departure from previous evaluations, in that she, Mrs. Smith, is found to be In Need of Improvement
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q Q	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed, you mean? No, to go back and look and see how many Meets, MIR's. Depending on how you answer it, I mean.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct. And in it there's quite a significant departure from previous evaluations, in that she, Mrs. Smith, is found to be In Need of Improvement on in most areas; is that right?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed, you mean? No, to go back and look and see how many Meets, MIR's. Depending on how you answer it, I mean. Thank you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct. And in it there's quite a significant departure from previous evaluations, in that she, Mrs. Smith, is found to be In Need of Improvement on in most areas; is that right? In looking at the last page, 4 out of the 6, yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed, you mean? No, to go back and look and see how many Meets, MIR's. Depending on how you answer it, I mean. Thank you. Well	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct. And in it there's quite a significant departure from previous evaluations, in that she, Mrs. Smith, is found to be In Need of Improvement on in most areas; is that right? In looking at the last page, 4 out of the 6, yes. And Keyboarding is a class that Mrs. Smith had
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A	Yes. M meaning Meets, MIR meaning Meets with Improvement Recommended. And the number that I don't have it counted, the totals. The number indicating Meets with Improvement recommended is not an unusual number, right, relatively few? Nobody is perfect, so. And you've had a number of those yourself over the course of your career? Yes, I would imagine. And you're still employed, right? I would like to go back and look at mine before I make that re or make that confirmation. Go back and look to see if you're still employed, you mean? No, to go back and look and see how many Meets, MIR's. Depending on how you answer it, I mean. Thank you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q	improvement? Yes. This time there were X's in two categories of Planning and Professionalism at the back. Okay. And, of course, in this document there's no reference anywhere to sleeping on the job? I see none. THEREUPON, Plaintiff's Exhibit 22 was marked for identification. BY MR. BELAZIS: Okay. So now we get to what's been marked as Plaintiff's Exhibit 22, which is a Performance Evaluation dated March 4, 2009, prepared by Mr. Finn, who is the Principal at the middle school; is that right? That's correct. And in it there's quite a significant departure from previous evaluations, in that she, Mrs. Smith, is found to be In Need of Improvement on in most areas; is that right? In looking at the last page, 4 out of the 6, yes.

31 (Pages 121 to 124)

years that she had been teaching Keyboarding; is 4 that correct? 5 MS. GRIGSBY: Objection. 6 BY MR. BELAZIS: 7 O To the best of your recollection? 8 A Nothing that I've seen in any evaluations. 9 Q And you had been evaluating or you or your or assistant, for 15 years, right, prior to this time? 10 assistant, for 15 years, right, prior to this time? 11 time? 12 A I was not always the one to evaluate her. 13 Q You or your assistant, right? 14 A Well, when I was Assistant it would have been the Principal, yes. 15 Principal, yes. 16 Q Okay. And for some reason Mr. Finn, rather than you, is selected to prepare the evaluation, this evaluation, right, even though she was part-time at the high school? 19 at the high school? 20 A Yes. 21 Q And you had been cautioned a number of times by Dr. Ganner that he didn't think you were years sufficiently aggressive in evaluating and criticizing staff, in particular Mrs. Smith; 24 criticizing staff, in particular Mrs. Smith; 24 criticizing staff, in particular Mrs. Smith; 25 described in that a variety of information has filtered to you as Principal toy out recall it appearing in your evaluations creat it appearing in your evaluations and always improve. 2 Page 126 2 A Pobably in terms of evaluating people we can always improve. 3 Probably in terms of evaluations and classroom, especially of ongoing issues of that a variety of information has filtered to you as Principal to yout reversely in that a variety of information has filtered to you as Principal to yout reversely in that a variety of information has filtered to you as Principal to yout reversely in the deciseroom, especially of ongoing issues of that a variety of information has filtered to you as Principal to yout reversely in that a variety of information has filtered to you as Principal to yout reversely in that a variety of information has filtered to you as Principal to yout reversely in the that a variety of information has filtered to you as Principal to yout reversely in the that a variety of information has filte			Page 125			Page 127
years that she had been teaching Keyboardings is that correct? MS. GRIGSBY: Objection. MS. GRIGSBY: Objection. MS. GRIGSBY: Objection. To the best of your recollection? A Nothing that I've seen in any evaluations. A I was not always the one to evaluate her. In time? A I was not always the one to evaluate her. A Ves. A I don't recall that. B Did you have any discussion about that? Do you recall it appearing in your evaluations of the recall that and that a varie	1	Q	And she had never been found to be deficient in	1		Plaintiff's Exhibit 25. These are all
that correct? Ms. GRIGSBY: Objection. BY MR. BELAZIS: The according to the course of your engines School District. And just so th record is clear, this is not necessarily all of them, in other words, there are other evaluations as stant, for 15 years, right, prior to this time? A Nothing that the seen in any evaluations. A Van bothing that the seen in any evaluations. A Vand you had been evaluating, or you or your assistant, for 15 years, right, prior to this time? A Ves. A Ves. A Ves. A Ves. A Ves. A Ves. C Okay. And for some reason Mr. Finn, rather than you, is selected to prepare the evaluation, fis evaluation, right, even though she was part-time at the high school? A Yes. A Yes. A Yes. A Yes. A Yes. A I don't recall that. A Yes. Did you have any discussion about that? Do you are related to your personal history at Perkins School District. A Yes. Did you have any discussion about that? Do you are related to you were related to your genesors with the elastic of intended here. A I don't recall that. A Yes. Did you have any discussion about that? Do you recive and always improve. B A Probably in terms of evaluating people we can always improve. B A Probably in terms of evaluations are remarked to recive? A Yes. Did Dr. Gunner tell you that he was going to remove you as Principal from the high school you did not move to a different position? A Yes. Did Dr. Gunner tell you that he was going to remove you as Principal to your — you mo from Principal to, I think, Communications Director? A Yes. Did Dr. Gunner tell you that he was going to remove your and direction. A Yes. Did Dr	2	•	any significant way by anyone during all of the	2		evaluations that you received, evaluations and
SMS. GRIGSBY: Objection. BY MR. BELAZIS: Comparison of the the section of the processor o	3		years that she had been teaching Keyboarding; is	3		correspondence related to the performance that
6 BYMR. BELAZIS: 6 7 Q To the best of your recollection? 7 8 A Nothing that I've seen in any evaluations. 8 9 Q And you had been evaluating, or you or your assistant, for I years, right, prior to this time? 11 12 A I was not always the one to evaluate her. 12 13 Q You or your assistant, right? 13 14 A Well, when I was Assistant it would have been the 15 Principal, yes. 15 15 Principal, yes. 15 16 Q Okay. And for some reason Mr. Finn, rather than you, is selected to prepare the evaluation, in 15 17 you, is selected to prepare the evaluation, in 15 18 evaluation, right, even though she was part-time at the high school? 2 19 A Yes. 20 20 A Yes. 20 21 Q And you had been cautifoned a number of times by Dr. Gunner that he didn't think you were 22 22 Dr. Gunner that he didn't think you were 22 23 sufficiently aggressive in evaluating and 23 criticizing staft, in particular Mrs. Smith; 24 criticizing staft, in particular Mrs. Smith; 24 creating staft, in particular many discussion about that? Do you recall it appearing in your evaluations at a sprincipal about ongoing issues within the elasmoom, especially of ongoing issues of always improve. 6 20 How about "There's one staff member in particular that a variety of information has filtered to you as Principal about ongoing issues within the elasmoom, especially of ongoing issues of 10 pollow up with these concerns." That's pretty specific, isn't it? 14 15 A Yes. 15 16 MR. BELAZIS: 1'm going to make these one composite exhibit. 1'ry ou have done everything in your authority to 6 follow up with these concerns." That's pretty specific, isn't it? 14 15 A Yes. 15 16 MR. BELAZIS: 1'm going to make these one composite exhibit. 1'ry our have done everything in your authority to 6 follow up with these concerns." That's pretty specific, isn't it? 2 15 MR. BELAZIS: 1's this your only set. 1's 14 16 MR. GRICSIN': 1s this your only set. 1's 14 17 Grickle The principal to your and the would go that direction. 1's	4		that correct?	4		you received over the course of your employment
7	5		MS. GRIGSBY: Objection.	5		with Perkins School District. And just so the
A Nothing that I've seen in any evaluations. Q And you had been evaluating, or you or your assistant, for 15 years, right, prior to this time? 1 A I was not always the one to evaluate her. 1 A Yes. 1 O Casy. And for some reason Mr. Finn, rather than you, is selected to prepare the evaluation, in ght, even though she was part-time at the high school? 2 A Yes. 2 O And you had been cautioned a number of times by Dr. Gunner that he didn't think you were 22 sufficiently aggressive in evaluating and 25 tricking staff, in particular Mrs. Smith; 2 A I don't recall that. 2 Did you have any discussion about that? Do you recall it appearing in your evaluations of always improve. A I Probably in terms of evaluating people we can always improve. A Pross. The Shool of a principal to you have done everything in your authority to file always improve. A Yes. A I How about "There's one staff member in particular that a variety of information has filtered to you as Principal to your or your authority to file always improve. A Yes. A Probably in terms of evaluating people we can always improve. A Probably in terms of evaluating people we can always improve. A Probably in terms of evaluations of information has filtered to you as Principal to your or you were going to make these one composite exhibit. A Yes. A Probably in terms of evaluations in particular that a variety of information has filtered to you as Principal to you there are you were going to Principal to you first in that two you have done everything in your authority to file of information has filtered to you as Principal to you there are you were going to Principal to you were principal to you make done everything in your authority to file of information has filtered to you as Principal to you there any more though, did not inform the details of the documents associated with Exhibit 257 was marked for the documents associated with Exhibit 257 was marked for file of information has filtered to you as principal to you there any more though, did not info	6		BY MR. BELAZIS;	6		record is clear, this is not necessarily all of
A Nothing that I've seen in any evaluations. Q And you had been evaluating, or you or your assistant, for 15 years, right, prior to this time? 1 A I was not always the one to evaluate her. 1 A Yes. 1 O Casy. And for some reason Mr. Finn, rather than you, is selected to prepare the evaluation, in ght, even though she was part-time at the high school? 2 A Yes. 2 O And you had been cautioned a number of times by Dr. Gunner that he didn't think you were 22 sufficiently aggressive in evaluating and 25 tricking staff, in particular Mrs. Smith; 2 A I don't recall that. 2 Did you have any discussion about that? Do you recall it appearing in your evaluations of always improve. A I Probably in terms of evaluating people we can always improve. A Pross. The Shool of a principal to you have done everything in your authority to file always improve. A Yes. A I How about "There's one staff member in particular that a variety of information has filtered to you as Principal to your or your authority to file always improve. A Yes. A Probably in terms of evaluating people we can always improve. A Probably in terms of evaluating people we can always improve. A Probably in terms of evaluations of information has filtered to you as Principal to your or you were going to make these one composite exhibit. A Yes. A Probably in terms of evaluations in particular that a variety of information has filtered to you as Principal to you there are you were going to Principal to you first in that two you have done everything in your authority to file of information has filtered to you as Principal to you there are you were going to Principal to you were principal to you make done everything in your authority to file of information has filtered to you as Principal to you there any more though, did not inform the details of the documents associated with Exhibit 257 was marked for the documents associated with Exhibit 257 was marked for file of information has filtered to you as principal to you there any more though, did not info	7	Q	To the best of your recollection?	7		them; in other words, there are other evaluations
time? A Twas not always the one to evaluate her. A Twas not always the one to evaluate her. A Twas not always the one to evaluate her. A Twas not always the one to evaluate her. BY Yes. The Principal, yes. A Well, when I was Assistant it would have been the Principal, yes. BY Ookay. And for some reason Mr. Finn, rather than rou, is selected to prepare the evaluation, this evaluation, right, even though she was part-time at the high school? A Yes. Dr. Quanton that he didn't think you were at the high school particular Mrs. Smith; isn't that true? Page 126 A I don't recall that. Q Didy on have any discussion about that? Do you recall it appearing in your evaluations always improve. Page 126 A I don't recall about onaging issues within the classroom, especially of onagoing issues of always improve. Probably in terms of evaluating people we can always improve. Probably in terms of evaluating beople we can always improve. A Yes. A Yes. A Yes. Page 126 Page 126 A I don't recall that. Q Did you have any discussion about that? Do you recall it appearing in your evaluations that a variety of information has filtered to you as Principal about onaging issues within the classroom, especially of onagoing issues of 10 classroom, especially of onagoing issues within the 10 classroom, especially of onagoing issues within the 10 classroom, especially of onagoing issues within the 10 classroom, especially of onagoing issues of 10 classroom, especially of onagoing issues within the 10 classroom, especially of onag	8	Α		8		that are not included here.
time? 1	9	Q	And you had been evaluating, or you or your	9		You've had a chance to review all of
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13 Q You or your assistant, right?	11		time?	11	Α	Yes.
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16 Q Okay. And for some reason Mr. Finn, rather than you, is selected to prepare the evaluation, this evaluation, right, even though she was part-time at the high school? 20 A Yes. 21 Q And you had been cautioned a number of times by Dr. Gunner that he didn't think you were sufficiently aggressive in evaluating and criticizing staff, in particular Mrs. Smith; 22 Dr. Gunner that he didn't think you were sufficiently aggressive in evaluating and criticizing staff, in particular Mrs. Smith; 24 criticizing staff, in particular Mrs. Smith; 25 marked a large of the valuations of the criticizing staff, in particular Mrs. Smith; 26 Q Did you have any discussion about that? Do you recall it appearing in your evaluations eventually? 28 A Probably in terms of evaluating people we can always improve. 39 A Probably in terms of evaluating people we can always improve. 40 A Probably in terms of evaluating people we can always improve. 41 A Probably in terms of evaluating people we can always improve. 42 C Did Dr. Gunner tell you that he was going to remove you as Principal to your you mo from Principal to, I think, Communications Director? 41 A Probably in terms of evaluating people we can always improve. 42 C Did Dr. Gunner tell you that if you didn't mo facely that a variety of information has filtered to you as Principal about ongoing issues within the elassroom, especially of ongoing issues of 10 elassia, invalid ask you to consider 11 specific, isn't it? 11 seleging in class. I would ask you to consider 11 per 12 marked to a very trying time for the Suphor the Suphor that a variety of information has filtered to you as Principal to, I think, Communications Director? 18 Director? 19 A Yes. 10 Did Dr. Gunner tell you that if you didn't mo he would generowe you? In other words, did he you a choice? 11 A Probably in the matter and it was agreed the would go that direction. 12 A We discussed the matter and it was agreed the would go that direction. 13 Glow up with these concerns. That's pretty 50 for make a change. 14 A Y	14	Α	Well, when I was Assistant it would have been the	14	Α	Yes.
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BY MR. BELAZIS: 24 Q Did he give you any other reason?				1	Α	
				I		
25 Q If you look at the composite exhibit marked 25 A We talked about some things, ves.	25	Q	If you look at the composite exhibit marked	25	À	We talked about some things, yes.

32 (Pages 125 to 128)

		Page 129			Page 131
1	Q	Anything that was not related to Carol Smith?	1	A	Yes, I believe I can.
2	Α	The schedule.	2	Ç	Do you think that this is something is it your
3	Q	The schedule. What schedule?	3		belief that others can generally make the
4	Α	The high school schedule in terms of moving on	4		distinction between sleeping and resting of eyes?
5		with a change into teaming.	5	A	Yes.
6	Q	And Carol Smith was discussed as well, right, in	6	Ç	You testified earlier that you had been in
7		your handling of that?	7		Mrs. Smith's classroom and had not seen her
8	Α	I don't recall that, it was more about the	8		sleeping. Did you ever see her resting her eyes?
9		schedule.	9	Α	No.
10	Q	I don't understand how the schedule has anything	10	Ç	You make reference in your testimony at Sawmill
11		to do with it?	11		Creek, and there was discussion of it here today,
12	Α	We are moving from grades 9, 10, 11, and 12 into	12		about a conversation that you had with Mrs. Smith
13		a teaming aspect where certain members of the 9th	13		in which she reported to you certain rumors about
14		grade would now team in their teaching.	14		people saying that she was sleeping?
15		Eventually the 10th grade would do the same,	15	A	(Nod indicating yes.)
16		which they are now doing, and then there would be	16	Ç	Can you tell me, as specifically as you can, what
17		academies at grades 10 and 11 or excuse me, 11	17		you remember about that conversation?
18		and 12.	18	A	I don't remember the time, but I do remember the
19	Q	And how did that figure into your continued	19		place. I believe it was outside of our office by
20		service as Principal of the high school?	20		the workroom, the teacher workroom, and this was,
21	Α	The schedule?	21		I think, around the time of her eye problem and
22	Q	Uh-huh.	22		wearing a patch and her surgery. Go ahead.
23	Α	He made it very clear that he was not happy with	23	Ç	You're recounting for me what you recall about
24		where we were at that point.	24		that conversation in which she reported to you
25	Q	You kept a private file related to Carol?	25		certain rumors?
		Page 130			Page 132
1	A 1	No.	1	Α	People were accusing her of sleeping.
2	Q,	Well, I think you said in your testimony at	2	Q	Was it a lengthy conversation?
3		awmill that you had kept a separate file?	3	À	No.
4		I kept copies of the evaluations.	4	Q	Did she ask for you to help her in any way?
5		And I think you also testified that there were	5	À	No.
6		ome documents that were in your file that were	6	Q	Did she request accommodations of any sort at
7		ersonnel nature that had not been shared with	7		that time due to an eye problem?
8	_	er?	8	Α	No.
9		I'd have to go back and review.	9	Q	Did she ever come back to you on another occasion
10		And, in any event, you kept some file with her	10	`	and that because of an eye problem she needed
11	-	ersonnel records?	11		some kind of help or assistance or accommodation?
12	-	I would keep a copy of what I sent to the Board	12	Α	No.
13		ffice.	13		MS, GRIGSBY: That's all I got.
14		Did you keep that for every teacher in the	14		MR. BELAZIS: Excuse me for just one
15		chool?	15		second. Okay, once again I've lost something.
16		Yes.	16		Here we go. How about we take a quick break so I
17		MR. BELAZIS: Thank you, Mr. Gasteier.	17		can find what I'm looking for.
18		MS. GRIGSBY: I have just a couple	18		MS. GRIGSBY: Sure.
19	fr	ollow-ups. I won't be long.	19		THEREUPON, there was a brief recess.
20		DIRECT-EXAMINATION OF CHRISTOPHER GASTEIER	20		RECROSS EXAMINATION OF CHRISTOPHER GASTEIER
21	R	Y MS. GRIGSBY:	21		BY MR. BELAZIS:
22		Mr. Gasteier, can you personally tell the	22	Q	If you would look, please, Mr. Gasteier, at your
23		ifference between a circumstance in which an	23	~	deposition testimony from Sawmill Creek marked as
24		ndividual is sleeping and a circumstance in	24		Exhibit 1
		hich the individual is resting their eyes?	25	Α	1.
25	**				

33 (Pages 129 to 132)

		Page 133			Page 135
1	Q	and turn to page 642 and 643.	1		t-shirts to school?
2	· A	642 and 643?	2	Α	I don't recall those.
3	Q	Yes, please. And if you would begin on line 9 of	3	Q	Okay.
4		642 and read the line 6 of 643, please. Just	4	Α	I don't,
5.		read it to yourself.	5	Q	All right. That's fair enough.
6	Α	Yes.	6		MS. GRIGSBY: Okay.
7	Q	Okay. And in that segment you're being asked	7		THEREUPON, the deposition concluded at
8		about that same conversation where Mrs. Smith	8		2:20 p.m.
9		approached you and told you about her surgery and	9		
10		the fact that it caused her to rest her eyes; is	10		
11		that correct?	11		/S/
12		THE WITNESS: Could you repeat the	12		
13		question again, please?	13		
14		THEREUPON, the Reporter read the requested	14		
15		portion of the record.	15		
16	A	I'm trying to look at the context, but I believe	16		
17		so, yes.	17		
18		BY MR. BELAZIS:	18		
19	Q	And would you read for the record, please, that	19		
20		portion of your response that begins on line 3 of	20		
21		page 643?	21		
22	Α	"Its hard for me to tell whether someone is	22		
23		resting their eyes someone is resting when	23		
24		their eyes are closed or whether they're	24		
25		sleeping."	25		
		Page 134			Page 136
1	Q	Thank you. And as far as your, the conversation	1		CORRECTIONS
2		with Mrs. Smith during that 2007-2008 school	2		CORRECTIONS
3		ear, when she approached you, that we've been	3		PAGE LINE CORRECTION/COMMENTS
4		alking about, the conversation was basically as	4		THE COMMENSATION
5		ou described it in your testimony at Sawmill	5		
6		Creek, right? I mean, you explained what she	6		
7		aid and what you responded?	7		
8		I believe so, yes.	8		
9		Okay.	9		
10	Y	MR. BELAZIS: That's all I have.	10		
11	7	Thanks,	11		
12		THEREUPON, there was a discussion off the	12		
13		ecord.	13		
14	1	MR. BELAZIS: Can we go back on. One	14		
15	1.	ast question.	15		
16	1.	MS. GRIGSBY: Okay.	16		
17	Ţ	FURTHER RECROSS-EXAMINATION OF CHRISTOPHER	17		
18		GASTEIER	18		
19		BY MR. BELAZIS:	19		
20		After Mrs. Smith was fired, after she lost her	20		
21	-	ob, there were do you recall that there was	21		
22	-	what has been characterized as some student	22		
23		orotest over her termination?	23		
	•	No, I don't recall.	24		
24		•	1		
24 25	Q	Do you recall that a number of students wore	25		

34 (Pages 133 to 136)

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	Page 137	
1	CERTIFICATE	
2	STATE OF OIHO)) ss.	
3 4	COUNTÝ OF ERIE)	
_	I, Lori L. Delhees, Stenotype Reporter and	
5	Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby	
6	certify that the within named CHRISTOPHER GASTEIER was by me, before the giving of his	
7	deposition, first duly sworn to testify the truth, the whole truth and nothing but the truth	
8	in the cause aforesaid; that the deposition as	
9	above set forth was reduced to writing by me by means of Computer-Aided Transcription; that the	
10	said deposition was taken pursuant to Notice and	
10	was completed without adjournment; that I am not a relative or attorney of either party or	
11	otherwise interested in the eventual outcome of this action.	
12 13	IN WITNESS WHEREOF, I have hereunto set my hand	
	and seal of office at Sandusky, Ohio this	
14 15	day of , 2014.	
16	HERNE HELDER LOSER LICE	
17	Lori L, Delnees	
18	Notary Public P. O. Box 1067	
19	Sandusky, Ohio 44870	
	My commission expires 11/24/2017	
20 21		
22 23		
24		
25		
	Page 138	
1	CERTIFICATE	
2	STATE OF OHIO	
3	COUNTY OF	
4		
5	I certify that this deposition was	
6	signed in my presence by CHRISTOPHER GASTEIER on	
7	the day of , 2014.	
8	IN WITNESS WHEREOF, I have hereunto set my	
9 10	hand and affixed my seal of office at , Ohio on this day of ,2014.	
11	Olilo oli ulio daj ol ,2014.	
12		
	· · · · · · · · · · · · · · · · · · ·	
13		
13	Notary Public	
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13 14 15 16 17 18 19 20 21 22 23	Notary Public	
13 14 15 16 17 18 19 20 21 22	Notary Public	

35 (Pages 137 to 138)